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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the General Assembly the thirty-first report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to paragraphs 5, 6 and 7 of General Assembly resolution 53/53 of 3 December 1998.

2. The report should be considered together with the Special Committee's periodic reports contained in documents A/54/73 and Add.1.

* A/54/150.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968.

2. The Special Committee is composed of three Member States: Malaysia (represented by the Permanent Representative of Malaysia to the United Nations, Hasmy Agam), Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Absa Claude Diallo), and Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, John de Saram, serving as Chairman).

3. The Special Committee reports to the Secretary-General. The reports of the Special Committee are considered in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

A. General background

4. The General Assembly, in its resolution 2443 (XXIII) of 19 December 1968, entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee, composed of three Member States, to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

5. The General Assembly, in its resolution 44/48 A of 8 December 1989, decided to change the name of the Special Committee to Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

6. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

7. The Special Committee has proceeded on the basis that:

(a) For the purposes of the present report, the territories considered occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;[1]

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities;

(c) The "human rights" of the population of the occupied territories consists of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII) of 15 December 1972, the Special Committee was required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" refer to those actions which, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas;

(e) The geographical names and the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

8. The Special Committee has, with respect to human rights, relied on the following:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights, of 10 December 1948;[2]

(c) The International Covenant on Civil and Political Rights, of 16 December 1966;[3]

(d) The International Covenant on Economic, Social and Cultural Rights, of 16 December 1966;[3]

(e) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[4]

(f) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;[5]

(g) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;[6]

(h) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land.[7]

9. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs — the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights — as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

B. General Assembly resolution 53/53 of 3 December 1998

10. The General Assembly, in its resolution 53/53 of 3 December 1998:

> "5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
>
> "6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;
>
> "7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

C. Reports of the Special Committee

11. Pursuant to General Assembly resolution 53/53, in 1999 the Special Committee has submitted the following reports: a first periodic report, relating to the period from 6 November 1998 to 31 January 1999 (A/54/73), and a second periodic report, relating to the period from 1 February to 20 August 1999 (A/54/73/Add.1).

12. The present final report for 1999 is also submitted pursuant to General Assembly resolution 53/53.

III. Organization of work

A. Meetings

13. The Special Committee met in Geneva from 3 to 5 March 1999, to consider and adopt its first periodic report to the Secretary-General (A/54/73) and to prepare for its meetings in Egypt, Jordan and the Syrian Arab Republic from 20 to 30 May 1999 for the purpose of hearing from persons living in the occupied territories.

14. On 4 March 1999, the Special Committee met the United Nations High Commissioner for Human Rights, Mary Robinson, with reference to the recommendations contained in paragraphs 183-185 of its report of 11 November 1998 (A/53/661). The Special Committee understands that the Office of the United Nations High Commissioner for Human Rights has acted on those recommendations.

15. The Special Committee met in Geneva on 17 and 18 May 1999 in order to consult representatives of ILO and WHO and to review and finalize arrangements for its meetings in Cairo, Amman and Damascus.

16. From 19 to 30 May 1999, the Special Committee met in Cairo, Amman and Damascus. For practical reasons it convened initially in Damascus from 19 to 21 May, from 22 to 25 May in Amman and from 26 to 30 May in Cairo.

17. The Special Committee, meeting in Damascus from 19 to 21 May, met Nasser Kaddour, Minister of State for Foreign Affairs, and with Klovis Khoury, Director of the International Organizations Department, Ministry of Foreign Affairs. The Committee visited Quneitra province, bordering the occupied Syrian Arab Golan, and met the Governor of Quneitra, Walid Al-Buz. The Committee heard witnesses who provided information with reference to the occupied

Syrian Arab Golan. The Special Committee also witnessed an exchange through megaphones of communications between long-separated relatives near the village of Majdal Shams.

18. The Special Committee, meeting in Amman from 22 to 25 May, met Ibrahim Badran, Director-General, Department of Palestinian Affairs of the Ministry of Foreign Affairs. The Committee heard the testimony of witnesses from the West Bank, Gaza and Jerusalem. The Committee visited the King Hussein Bridge, where it heard testimony from a number of Palestinians who had just crossed into Jordan.

19. The Special Committee, meeting in Cairo from 26 to 30 May, met also Sayed Abu Zeid, Assistant Foreign Minister for Arab and Middle East Affairs, Naila Gabr, Deputy Assistant Foreign Minister for Human Rights, and Fayez Noseir, Head of the Department for Palestinian Affairs, Ministry of Foreign Affairs. The Committee also met Said Kamal, Assistant Secretary-General, and Nasif Hitti, Counsellor of the Secretary-General for International Affairs, League of Arab States (LAS), as well as with Mohammed Sobeih, the Palestinian representative to the LAS.

20. In Cairo, the Committee met with Hisham Abd Elrazeq, Palestinian Authority Minister for Detainees' Affairs, and Sofian Abu Zaydah, Director-General for Israeli Affairs, Palestinian Authority Ministry of Planning and International Cooperation. The Committee heard testimony from witnesses from Jerusalem, the West Bank and Gaza.

21. Thirty-four persons from the occupied territories appeared before the Special Committee at its meetings in Damascus, Amman and Cairo.

B. Nature of evidence

22. The testimony before the Special Committee concerned such questions as the Israeli settlement policy; confiscation of land; house demolitions; revocation of residence permits in Jerusalem; water supply for domestic and agricultural use; movement of persons and goods; closures; treatment of prisoners and detainees; health conditions in the occupied territories; and the general economic and social situation in the area.

23. The Special Committee also received excerpts of reports appearing in the Israeli press and in the Arab press published in the occupied territories. The Special Committee received a number of communications and reports from Governments, organizations and individuals concerning the occupied territories.

24. The material before the Special Committee consisted of the following:

(a) The oral testimony of persons from the occupied territories;

(b) Written material submitted by such persons;

(c) Written material received from the Governments of Jordan and the Syrian Arab Republic;

(d) Reports appearing in *The Jerusalem Post*, *Ha'aretz* and *The Jerusalem Times* in 1999.

25. The present report is but a fraction of the vast body of information from materials and testimonies provided under oath that were received by the Special Committee and is available for consultation in records maintained by United Nations verbatim reporters.

26. The various materials are listed in the annex to the report and are also available for consultation.

27. The Special Committee took note of the report of Hannu Halinen, Special Rapporteur of the Commission on Human Rights to investigate Israel's violations of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/1999/24).

C. Other aspects

1. Inability of the Special Committee to visit the occupied territories

28. The Special Committee has not had access to the occupied territories since its establishment in 1968. In preparing for its field mission in 1999, the Special Committee addressed a letter to the Permanent Representative of Israel to the United Nations Office at Geneva on 18 March 1999 requesting that it be allowed to visit the occupied territories and brought its request that it be permitted to do so to the attention of the Secretary-General. To be unable to obtain access to the occupied territories is considered by the Special Committee unfortunate.

2. Cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic

29. As in previous years, the Special Committee received the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, and of various Palestinian representatives.

3. Exchanges with other United Nations bodies

30. The Special Committee considers it necessary to note in its present report that when a United Nations body established by the General Assembly, such as the Special Committee, undertakes a mission to the field, it is mutually beneficial and necessary that there be exchanges of views with United Nations bodies with knowledge of relevant matters, the work of the Special Committee being part of the totality of a United Nations endeavour.

31. The Special Committee is particularly grateful for the very useful exchange of views it had with the United Nations Resident Coordinator/UNDP Resident Representative in the Syrian Arab Republic and for his particularly conscientious attention in assisting the Special Committee.

4. Communications by the Special Committee

32. The Special Committee communicated with the Secretary-General of the United Nations and with the United Nations High Commissioner for Human Rights for the purpose of bringing to their attention the recommendations of the Special Committee in paragraphs 183-185 of its 1998 report (A/53/661).

33. The Special Committee wrote to the United Nations High Commissioner for Refugees, the Director-General of ILO and to the Director-General of WHO with a view to exchanging views with them with reference to matters relating to the occupied territories.

34. While in Cairo, the Special Committee, in response to an appeal made by an organization working in the field of human rights, addressed a letter to the United Nations High Commissioner for Human Rights, to be copied to the Vice-President of the International Committee of the Red Cross (ICRC) and the Director-General of WHO, in order to draw their attention to and seek their assistance in connection with the very serious medical condition of three Palestinian prisoners who, the Special Committee was informed, were in urgent need of immediate medical attention.

IV. Findings and conclusions

A. Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem

General introductory observations

35. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applies to Israel as the "occupying power" in the terms of the Convention, as was most recently reaffirmed by the High Contracting Parties participating at a Conference convened in Geneva on 15 July 1999.

36. As the Special Committee understands it, under the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 (A/48/486-S/26560, annex), and the subsequent related instruments (the so-called Oslo Accord and subsequent related instruments), the occupied Palestinian territories are divided into areas A, B and C, with allocations of responsibilities with regard to security and civil administration being vested between Israel and the Palestinian Authority, in ways specified in such instruments.[8]

B. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem

1. Restrictions relating to land, housing and water

37. Restrictions in the occupied territories of Gaza, the West Bank and East Jerusalem, with respect to land, housing and water, severely affect the Palestinians.

(a) Land

38. *Confiscation of land.* The information made available to the Special Committee confirms that confiscation of Palestinian-owned land, as noted in paragraphs 28-31 of the Special Committee's report to the General Assembly at its fifty-third session (A/53/661), still continues.

39. *Establishment of new and expansion of existing settlements.* The Special Committee was informed that the establishment of new and the expansion of existing settlements continued and that settlement activity accelerated

markedly after signature of the Wye River Memorandum in 1998 and in particular subsequent to the unilateral suspension by Israel for six months of its implementation of the Memorandum.

40. There were reportedly now 194 Israeli settlements in the West Bank and Gaza, although there was difficulty in estimating exactly how many settlements there were. Some Palestinian estimates placed the number of settlements at approximately 220.

41. The 1999 report of the Director-General of ILO to the 87th session of the International Labour Conference indicates that Israeli statistics notes a substantial increase of the number of Israeli settlers in occupied territories other than East Jerusalem. In the West Bank and Gaza, aside from East Jerusalem, there were 116,400 settlers in 1993 and 175,000 in 1998.

42. A number of instances were brought to the attention of the Special Committee of such settlement activities:

(a) On 19 November 1998, the Israeli Government began taking measures to confiscate approximately 10 per cent of West Bank territory for the construction of settlements and bypass roads. On 17 December the Knesset approved new funding for settlement expansion in the West Bank in the amount of NIS (new Israeli shekels) 20 million. The same week, 1,000 acres of land belonging to Salfit village in the West Bank were confiscated for settlement activity;

(b) In addition to the expansion of numerous existing settlements, it has been reported that more than 15 new settlements have been established since the signing of the Wye agreement. Groundbreaking work was allowed for building the Har Homa settlement on Jabal Abu Ghneim in East Jerusalem, as is the construction of new Israeli houses in the heart of Ras Al Amud, a Palestinian village in East Jerusalem. The Special Committee was informed that one quarter of all new settlements that are established were empty. A Palestinian witness told the Special Committee that there appeared to be an escalation in settlement activity every time progress was made in the peace process. The significantly enhanced settlement activity in the run-up to the 17 May elections in Israel has been described by witnesses as a form of "ethnic cleansing";

(c) The objective of Israel, it was stated, was to have 800,000 Israeli settlers in the West Bank. In 1998 the Israeli authorities approved eight projects to expand settlements for which 8,460 dunums[9] of land were confiscated. It was reported that the Israeli authorities had approved 14 additional settlement expansion projects for which some 8,000 dunums would be required. More than 15,000 dunums of Palestinian land were confiscated during the first three months of 1999. In 1998, the Government approved the building of 27 bypass roads, which often cut off Palestinian localities from each other. On 26 January 1999, the Israeli Parliament, the Knesset, adopted a law that makes it more difficult for any Israeli Government to return occupied territories;

(d) A very disquieting recent development is the foreseen extension by 13,000 dunums of the municipal boundaries of Maaleh Adumim, whose master plan was extended by the former Israeli Government to reach Jerusalem, taking land from five Palestinian villages. It is currently 7 square kilometres and is slated to expand to 35. This is already the largest settlement in the West Bank, with 25,000 inhabitants. If expanded, its surface would cover a larger area than the Israeli capital, Tel Aviv. According to witnesses, the intention of the Israeli authorities was to have a swathe of land under Israeli control that would connect Jerusalem to Maaleh Adumim and then on to Jericho and down to the Dead Sea. This would effectively split the West Bank into two. The Jahalin bedouin who lived near the settlement were being transferred to make way for the building of a new bypass road. Land could be used up to a distance of 150 metres on either side of the bypass road;

(e) Settlement activity was also accelerated in the Gaza Strip, where settlers took 350 dunums of land in the Khan Yunis area, 150 dunums in the Beit Sidi and 30 dunums in the Rafah area. New settlements were established in 1999 in all parts of the West Bank, especially around Bethlehem, as well as in the occupied Syrian Golan. It is estimated that there are currently more than 150 settlements in the West Bank.

43. The Committee was told that settlers regularly vandalized Palestinian land and uprooted trees. The Committee was told of an incident when settlers thought that Palestinians from a nearby village had stolen their sheep and gave them a deadline in writing to return the sheep or "you will see the results". When the date expired, they came armed and uprooted some 500 olive trees and vandalized agricultural land, all before the eyes of the Israeli army watching the scene from a hill. The Committee was also informed that settlers had killed a Palestinian farmer tending to his olive trees in Beit Furik village in October 1998 in order to terrorize the inhabitants so that the army could confiscate the land claiming that it was unused. In most cases, settlers acted with total impunity and were not prosecuted.

44. The army has systematically assisted settlers in taking Palestinian-owned land. On occasion, it has imposed curfews on the localities from which the land was to be confiscated. Palestinian homes have been demolished and olive and other trees uprooted to make way for Israeli settlements and the building of new bypass roads to connect them on Palestinian agricultural land. The Special Committee was told that demolitions of Palestinian-owned houses were carried out under the supervision of settlers acting on behalf of the Civil Administration. It was shown a picture of one such demolition and a settler supervising it.

45. In general, Palestinians do not accept compensation for confiscated lands because they believe that the reasons behind the confiscation are political and not due to any natural expansion. The Committee was told that even when the Israeli authorities offer compensation, they offer it at the 1949 price.

46. As for legal procedures for the confiscation of land, the Committee was informed that there were no such procedures for confiscation. Owners were sometimes served officially with confiscation orders and given 45 days to appeal such orders. The Committee was told that it was common practice by the Israeli authorities to place notices of confiscation somewhere on the land, for example, under a stone or under a tree, where they were difficult to notice, especially if this did not occur at a time when the land was being tilled or harvested. This gave the owners very little time to appeal if they did not notice the order right away. The Committee was informed that in order to preserve the appearance of formal legal procedure, confiscation orders were also published in low-circulation newspapers that were normally not read by the farmers. The Committee was told that one way Palestinians noticed that action was under way concerning their land was when they observed unusual activities in the nearby settlements. Another way was for the Israeli authorities to claim that the land was fallow or not used.

47. Palestinians have, among other things, organized themselves into a Federation of Farmers in order to defend their land, cultivate it and re-plant the trees that have been uprooted.

(b) Water

48. In view of its natural scarcity and the manner of its utilization by the settlements, water was described as one of the most serious problems for the Palestinians. The Special Committee was also informed by some witnesses that diversion of water of the Jordan River had also reduced water naturally available to the Palestinians.

49. The Special Committee was informed that the scarcity of water for Palestinians use was further exacerbated by Israeli control over water resources in the occupied territories. The Committee was informed that when Israel occupied the Palestinian territories a military order reserving for Israel a monopoly of water was issued.

50. Israel controls most of the West Bank aquifer as well as the digging of artesian wells. The Special Committee was informed that Israel had free use of some 80 per cent of water resources in the West Bank, while the remaining 20 per cent was also distributed by the Israeli state company Mekorot, which cooperates with the military administration. It has been reported that Israel consumes three times as much water as is used in the occupied territories, with an annual per capita consumption of 344 cubic metres against 94 cubic metres in the occupied territories. It has been reported that water rates in Palestinian areas are four times as high as in Israel.

51. Pumping water to be used by Israelis has resulted in the lowering of the water level in artesian wells used by Palestinians. The Israeli authorities have reportedly destroyed 40 artesian wells used by Palestinians over the past seven years. The number of licences issued for digging artesian wells is limited. Palestinians can dig wells 500 metres deep, while Israelis can dig double the depth, which gives access to the aquifer. The Committee was told that 90 per cent of Palestinian houses had small wells to collect rainwater in the winter for use in the summer.

52. In view of the fact that the area has very little rainfall, water is all the more important, especially for farmers and people raising cattle. The Israeli authorities can stop the water supply to parts of the occupied territories. Witnesses have stated that this has been done as a punitive measure, including during curfews and in the summer. Water shortages are particularly acute in the cities of Hebron and Bethlehem, where the settlers and army have on occasion smashed water pumps. The Committee was informed that three centres for collecting water for irrigation were destroyed in Hebron in 1999. Palestinian and Israeli human rights organizations have reported that some 780 wells for domestic use and irrigation have been destroyed by the Israeli army since the signing of the Oslo Accords in 1993.

53. The discrepancy in the use of water is most flagrant in the occupied territories, where Palestinians often have water cuts and cannot cultivate their crops while water is abundantly available in the settlements, where there are also numerous swimming pools. Some Palestinian villages have no water at all. Water shortages also contribute to the spread of diseases. According to witnesses, there are parts of the

occupied territories where water is received once a month. Water is pumped 24 hours to the settlements, which are supplied by networks of water pipes.

54. The Special Committee was told that the best land and the best water in Gaza are located in the Gush Katif bloc of settlements. It was told by witnesses that Palestinians had no sovereignty over water issues and that water from Gaza was not only pumped to the settlements but also to Israel by the government company Mekorot. Their wells were deeper than those owned by Palestinians.

2. Environmental concerns

55. As Israeli settlements in the occupied Palestinian territories are usually located on hilltops, spring water used by Palestinians has often been polluted by sewage water from the settlements or army centres. The Committee was informed about the situation in the village of Mardah, located below the Ariel settlement, where, in addition to taking all the water supply, the waste material that comes from Ariel is so polluted that the villagers are unable to grow anything in the soil any more.

56. Concern was also expressed by witnesses by the Special Committee that settlements caused environmental deterioration. For example, where there was industrial activity in settlements, waste water flows polluted low-lying land and aquifers with unhealthy consequences for persons, vegetation and livestock. The point was made that chemical factories, leather factories and stone quarries were usually established on Palestinian lands. The explosives used in quarries were often disruptive of aquifers, in many cases the source of drinking water.

(a) Relations with settlers

57. Relations between settlers and Palestinians, the Special Committee was informed, were extremely sensitive and tense, and at times of crises, reached higher levels of intensity and violence.

58. Thus the relation between settlers and Palestinians appeared to the Special Committee to be one of the most fundamental and unfortunate consequences of the occupation. The Special Committee was informed that the condition of such relations was caused by such factors as the confiscation of land, the uprooting of olive trees, some centuries old, the scarcity of water and the privileged position settlements seemed to have with respect to water, for domestic and agricultural use, the fact that settlers carried arms and lived in barrier-enclosed areas and the support provided by Israeli authorities and their army and law enforcement agencies.

(b) Housing

59. The general situation with respect to housing as reported to the Special Committee seems to have remained very much as it has been in previous years and as described in particular in the Special Committee's previous report to the General Assembly (A/53/661).

60. A number of persons who appeared before the Special Committee spoke of a severe shortage of housing in the cities and towns of Gaza and the West Bank, including East Jerusalem. This was so for a number of reasons, including the following:

(a) The master plans for Palestinian towns and villages had not been modified since 1948, despite the increase in population. One of the ways in which the Israeli authorities have controlled Palestinian residence was by not authorizing modifications to the master plans of Palestinian towns and villages. Israeli master plans, including those of settlements, were expanded regularly. The latest example was the expansion of the master plan for the Maaleh Adumim settlement near Jerusalem from 7 to 35 square kilometres, such that the settlement will encompass an area larger than Tel Aviv;

(b) The Israeli policy for Jerusalem did not allow for the Palestinian population to increase beyond 28 per cent;

(c) Very few licences to build new homes or to enlarge existing homes were issued to Palestinians by the municipal authorities of Jerusalem. Very few building permits were issued to Palestinians, especially in East Jerusalem. In the rare cases when they were, the Special Committee was told that few people could afford to pay the NIS 130 per square metre for building. Permits were also required for any changes, additions or renovations of already existing structures and were also given rarely. The shortage of housing arising from the natural growth of the Palestinian population had compelled many persons to build additions to their houses without a permit, only to have them demolished;

(d) There were "green areas" that did not allow for housing, nor was housing allowed in the proximity of bypass roads. There were also a number of areas where housing was not allowed, for example, that had been designated as "green areas", areas in the proximity of bypass road and so on;

(e) The Special Committee was also informed about the danger to Palestinians posed by the law of 1950 concerning absentee landlords, which is being applied by the Israeli authorities. The State appoints itself as the administrator of such property. The Committee was informed of the case of a man who was living in a house in East

Jerusalem that he co-owned with brothers who lived elsewhere. The Israeli administrator of absentee landlord property left him one room and took the rest of the house belonging to his brothers and leased it to settlers for a nominal rent. According to the witness, the settlers had terrorized the Palestinian into leaving.

61. Where new houses were built or existing houses expanded by Palestinians without authorization, the structures were demolished.

62. *Extent and significance of demolitions.* As the Palestinians continued, because of pressure for accommodation, to construct new houses or to expand existing houses, the subject of the demolition of houses has acquired particular sensitivity. Demolitions of Palestinian houses have continued throughout the period under review. The Special Committee was informed that there had been 101 house demolitions of Palestinian homes since the signing of the Oslo Accords until the end of November 1998. It calculated that an average of five persons lived in each such structure and thus estimated that, some 6,000 Palestinian homes having been demolished in the West Bank since 1967, some 30,000 persons had been left homeless and 1,300 had been demolished since 1990. House demolitions had been stepped up in East Jerusalem during the current reporting period. The Special Committee was informed that there were currently approximately 2,000 outstanding demolition orders and that the Israeli authorities had carried out between 150 and 250 demolitions of Palestinian houses every year.

63. A witness pointed out that the treatment of Israelis and Palestinians differed with regard to house demolitions. If a Palestinian built a house without a permit, the whole structure was demolished. If an Israeli did so, he could apply and get a permit later quite easily. Palestinians would have to go to court, pay the fine, pay the lawyers and their houses would still be demolished.

64. *Nature of demolitions.* The Special Committee heard from a number of witnesses of the nature of demolition of houses and the consequences of demolitions. Those appearing before the Special Committee and speaking of demolitions included a number of Israeli nationals working in the field of human rights who were clearly deeply moved by the number and nature of demolitions of residences. Their statements included references to such matters as those described below (also referred to in paras. 72-83).

65. The Special Committee was shown slides of the different phases of house demolitions by the Israeli army and was able to talk to two victims of such acts. Some Palestinian houses have been demolished several times. Unfinished houses, stables, storehouses and other structures are also demolished.

66. Persons whose houses are demolished are given 15 minutes to take out the furniture, which often gets destroyed. Sometimes the soldiers shoot and throw percussion grenades. Houses are also demolished in winter.

67. The Special Committee was informed that some of the supervisors overseeing demolitions of Palestinian homes were settlers. The Israeli Civil Administration has 18 such supervisors in the West Bank. Supervisors sometimes arrive on the scene in helicopters.

68. Some of the demolitions are very violent and often involve severe beating of the members of the family whose house is being demolished when they resist. The houses are usually demolished early in the morning when the men have left for work and housewives are alone with the children. Up to 150 soldiers, all of them armed, can be present when a Palestinian house is demolished. In addition to the soldiers, police, paratroopers and border police can be called in for a demolition. Demolitions have sometimes been very violent. On 26 January 1999, the Israeli army demolished two Palestinian homes in East Jerusalem, one in the Old City and the other in the village of Issawiya where an Israeli policeman shot dead a relative of the family whose house was being demolished.

69. *Consequences of demolitions on families.* Some of the persons whose houses have been demolished have submitted applications for building licences several times. The Committee was told that one of the reasons for refusal given to an applicant was that his plot constituted agricultural land according to a 1942 British mandate plan for the West Bank. By adopting that policy, the Israeli authorities are trying to freeze the building and demographic situation in the West Bank as it was in 1942, when the West Bank had a quarter of its present population. Another reason given was that the slope on which the house was to be built was too steep, which did not apply to Israeli settlements. The reason could also be that a planned building was too close to an Israeli bypass road. Palestinians had no access to such plans.

70. The fact that the owners of the houses never know when their property will be demolished puts enormous psychological pressure on them.

71. House demolitions have adverse psychological consequences on the mother of the family. One witness described it as a sort of psychological warfare, which generates hatreds, tragedies and traumas. Together with land confiscation and the release of prisoners, house demolitions

were described to the Special Committee as one of the most painful aspects of the Israeli occupation.

72. The effects of house demolitions are particularly traumatic for children. The Special Committee heard the testimony of a man whose son had broken a leg when their house was demolished and whose three-year-old daughter had fallen, scratched her face and needed stitches. Others had nightmares, got bad grades or dropped out of school.

73. Palestinian families whose homes have been demolished have been living in abandoned buildings, buses and tents.

74. *Examples of sympathetic reaction on the part of some Israelis*. The Special Committee was informed about groups of Israeli human rights activists who cooperated with their Palestinian counterparts and resisted demolitions of Palestinian houses physically. They also rebuilt those that had been demolished, which constituted an illegal act in Israel since it was considered an act of resistance against the occupation. Those doing so could get arrested or fined.

75. The Special Committee spoke to one such person, who even spent nights in Palestinian houses in solidarity with the owners and hoping to prevent demolition.

76. Israelis had the advantage of not being shot at or beaten by the army. If arrested, they were released after a couple of hours.

77. The witness also brought in hundreds of Israelis to rebuild the house at the group's expense. Such acts were described to the Committee as one of the most positive instances of interaction between the Israeli and Palestinian people.

78. The witness stated that the turning point regarding Israeli awareness about the demolitions of Palestinian houses came when 70 Israelis had been able to witness a demolition first-hand.

(c) Controls and restrictions on movement

79. The system of restrictions on movement of Palestinians within and between parts of the occupied territories and departure for and return from travel abroad continues, as the Special Committee understands it, to be similar to that described in the Special Committee's previous report (A/53/661).

80. Movement thus continues to be under the control of the Israeli authorities for access to and departure from Gaza and access to and departure from the West Bank. Within the West Bank in particular there are additional complications for travel between areas A, B and C established subsequent to the Oslo Accords. Access to and departure from Gaza, which is geographically distinct from the West Bank, and access to and departure from East Jerusalem, with its special residence requirements, have certain special features.

81. Requirements concerning identity cards and travel permits are complicated and there is a system of controls of movement through checkpoints and closures.

(d) Identity cards and travel permits

82. The Special Committee was informed that Palestinians who lived in the occupied territories needed to have a valid permit to enter Israel and East Jerusalem and to travel between the Gaza Strip and West Bank. Permits were obtained through the Palestinian-Israeli Coordinating Office and were ultimately issued by the Israeli Military Governor. If a person had a permit, this did not mean that his or her car also had a permit. This meant that a person had to leave his or her vehicle at the checkpoint and continue by other means. The persons most likely to have permits for their cars were members of the Palestinian Legislative Council. The Committee was told that up to three years ago it was easier to obtain permits for cars.

83. According to a witness, permits usually took three or four days to obtain. They could be valid for one day, two days or a week. The duration was described as a discretionary decision by the Israeli authorities. The Committee was told that lawyers usually obtained permits for three months. The usual justification for not issuing a permit was security. One witness told the Special Committee that security was a justification for everything for the Israelis, which also explained the fact that they did not allow any products to go out from Gaza to the West Bank. According to the witness, even fish — for which Gaza is famous — cannot be taken out, even by United Nations personnel.

84. The Special Committee was informed that the inhabitants of Jerusalem carried blue identity cards, the residents of the West Bank had orange ones, while the Palestinian Authority issued green cards.

85. The permits issued to Palestinians indicated the name, occupation and reason for entering Israel as well as which areas of Israel the holder could enter, usually referred to as areas A, B and C and defined on the back of the permit. The period of validity of the permit could be from one day up to three months, and the time was usually from 5 a.m. to 7 p.m.

(e) Closures

86. As the Special Committee understands it, the term "closure" is applied to situations where access to and departure from a particular area of the occupied territories is "closed" to Palestinians.

87. "Closures" are for example applicable to Gaza. The Gaza Strip is a relatively homogenous piece of territory, although Israel still controls approximately 40 per cent of its territory. Gaza is in fact subject to a permanent partial closure, because departure from and access to Gaza is permissible only through a limited number of checkpoints, passage through which requires special authorization and issuance of a special card. It should be recalled that the Gaza Strip and West Bank were treated as a single territorial unit in the Oslo Accords, to be linked by "safe passages" through which people and goods could pass. This provision of the Accords has not been implemented to date.

88. "Closures" are also applied to the West Bank, either in its entirety or within the West Bank to particular sections or cities within it. Typical situations that arise are described below.

89. Closures have particularly adverse effects on the income of workers employed in Israel. The report cited above mentions a survey conducted by the Office of the United Nations Special Coordinator in the Occupied Territories, which has calculated that, during the six-year period from 1993 to 1998, there were 436 comprehensive closure days in total, including 323 days that would otherwise have been working days. According to the survey, almost 20 per cent of potential working days were lost during those six years, with peaks of 29 and 33 per cent of working days lost in 1995 and 1996, respectively. The reported improvement in the labour market situation of the occupied territories during 1998 was due to a considerable extent to only 26 comprehensive closure days, including 15 working days that year.

90. The Special Committee was informed that a permanent closure had been imposed on the occupied territories in 1993 and that it could be described as "partial" or "total", that is, "comprehensive". Stricter closures were imposed after outbreaks of violence and security incidents or as a preventive measure in anticipation of Israeli religious or other holidays. One witness described the total closures as being more of a "sealing off" of a part of the occupied territories. He also stated that there was no comparison between closures imposed on the West Bank and Gaza Strip, the latter being worse. A witness stated that 90 per cent of the inhabitants of the occupied territories could not move freely on "normal" days. All permits were cancelled every time a total closure was imposed.

91. There was no reduction in the severity of the closure in general during the period under review. The freedom of movement of Palestinians between the West Bank and East Jerusalem and the West Bank and the Gaza Strip remained severely restricted. Obtaining permits was particularly difficult for Gazans. The witness compared the situation to what previously existed in South Africa.

92. The difficulties encountered by the inhabitants of the occupied territories in moving from one place to another were further complicated by the various zones into which the territories were divided under the Oslo Accords.

(f) Work permits

93. Palestinians from the occupied territories working in Israel are particularly affected by the closures and the system of permits. In addition to having to have a permit to enter Israel, workers from Gaza also need a magnetic card that shows whether they have committed security-related offences. The average number of permits issued to Palestinians to work in Israel was about 55,000 in 1998. It should be noted, however, that not all valid permits are actually used. The average flow of workers holding permits per day was estimated at 44,400 in 1998.

94. The Committee was informed that Israeli border guards had on occasion torn up the work permits of Palestinian workers, thereby depriving them of their means of livelihood.

95. With regard to employment, the 1999 report of the Director-General of ILO states that those who wish to work in Israel need an additional work permit. Other permits provide for doing business, for an overnight stay, for entering Tel Aviv airport or for crossing the bridge into Jordan. It indicates that a particularly rare permit would allow one to cross the Green Line in a specified Palestinian registered vehicle. Obtaining permits is a tedious process and costs money. The report also provides information about a new permit, a "businessman card", which is being made available to limited numbers of prominent Palestinian business people. It would be valid for one year and allow the holder to take a vehicle into Israel, stay there overnight and move freely between the West Bank and Gaza Strip. There would be an initial quota of 250 such cards, distributed to applicants submitted by the Palestinian Authority and subject to Israeli security approval.

(g) Checkpoints

96. Restrictions imposed by the Israeli authorities on the freedom of movement of the population of the occupied territories are particularly visible at border crossings and checkpoints. Persons manning checkpoints, in particular those not located on main thoroughfares, could be very insensitive and objectionable towards Palestinians, in particular for women, who are subjected to questioning having sexual connotations. For this reason, many people choose to bypass checkpoints when entering Israel.

97. The Committee was also informed about the psychological consequences of violence against Palestinian men at military checkpoints, which has resulted in killings on a number of occasions. A person who has been insulted, beaten and ill-treated by an Israeli soldier at a checkpoint and questioned for hours will vent anger on his or her family. Young people are said to be special targets at checkpoints.

98. Children can also be retained for long hours at checkpoints. The Special Committee was told that the soldiers manning checkpoints sometimes held students for a number of hours at the time of their examinations, for which the students could not provide proof to the university when they missed their exams. Teachers at Jerusalem University who do not carry Jerusalem identity cards enter the City through the hills and small roads in order to avoid checkpoints. The Special Committee was told that during the last month of Ramadan only persons aged over 40 were allowed through checkpoints to the Holy Places.

99. Representatives of Israeli organizations informed the Special Committee that reports of violence at checkpoints by the army or police were often not taken seriously by the Israeli judicial authorities and that there was seldom any follow-up.

100. One of the most difficult checkpoints for Palestinians to cross is the Erez border crossing from the Gaza Strip into Israel, where there are separate entrances for Israelis, Jerusalemites and foreigners, and for ordinary Palestinians. This is the principal passage point for Palestinian workers employed in Israel. They have to walk through a narrow concrete corridor approximately one kilometre in length. Witnesses have seen elderly persons and pregnant women subjected to this treatment. In addition, waiting in queue to receive permits and magnetic cards can take hours. There are no toilet facilities or other amenities. After a thorough check at the checkpoint, Palestinians have to walk to a taxi or waiting vehicle.

101. The Special Committee wishes to draw attention to the case of representatives of two non-governmental organizations whom it had invited to appear before it in Amman and Cairo respectively. The first person, very well known in international human rights circles, spent some five years in administrative detention by the Israeli authorities and was prevented from leaving the occupied territories by the King Hussein Bridge.

102. The formalities of leaving the occupied territories can be very laborious. A witness described the passage through the King Hussein Bridge. The process is different for persons with different residence documents. West Bank residents have to drive to an area in Jericho called Istirahah, take the bus to the King Hussein Bridge and pass through three Israeli checkpoints before getting to the bridge. Documents are first checked on the bus. People cannot leave the bus when they want to but only when the Israelis give permission for the doors to be opened. At the bridge, passengers pass through a metal detector, under supervision all the time.

103. The Israelis check if the person has a record. It is at this point that the two persons who were to appear before the Special Committee were stopped from leaving Israel, crossing the bridge and coming to Jordan. They were considered by the Israelis to be a threat to the national security of Israel. They were therefore unable to appear before the Committee.

104. Palestinians are not allowed to use bypass roads, which are for the exclusive use of Israelis and settlers, although they pass through Palestinian land. One witness described the situation as "apartheid", separate roads for different ethnic groups.

105. The Special Committee was told by a witness from Gaza that the Israeli army, which still controls approximately 40 per cent of the Gaza Strip, could at any time partition the Gaza sector into three or four zones isolated from each other by setting up checkpoints. The Israeli army sometimes set up checkpoints over a 700-metre stretch of road in Gaza, forcing Palestinians to make detours of up to five kilometres on unpaved roads.

106. A witness who appeared before the Special Committee described her daily experience going to work through four checkpoints and changing means of transportation eight times when she went to Jerusalem with an orange identity card from the West Bank. She was allowed to be in Jerusalem from 5 a.m. to 7 p.m. and was not allowed to enter by car.

107. The Special Committee's attention was drawn to the existence of so-called "unexpected" checkpoints, which were set up at random on the roads of the occupied territories.

Palestinian patients have been forced to wait for two or three hours at such checkpoints before reaching medical facilities as a result of arbitrary decisions taken by soldiers manning the checkpoint.

3. Judicial and extrajudicial measures

(a) Administrative detention and imprisonment

(i) Administrative detention

108. The general observations made by the Special Committee in its previous report (A/53/661) continue to be pertinent. The Special Committee would like to draw attention to the following aspects, however, which are peculiar to the period under review.

109. A positive development regarding detention during the period has been the decline in the number of Palestinian administrative detainees, owing to a large extent to the action and raising of awareness by Israeli human rights groups. The Committee was informed that there were approximately 85 Palestinians in administrative detention. The majority were detained in Megiddo prison, while seven were said to be detained at Tel Mond for health reasons. Megiddo is an army detention camp made up of tents and not part of the police force or prison administration. Administrative detainees are held without trial and are often not fully aware of the accusations against them since they are contained in what the intelligence services terms the "confidential" part of a report. This information is also not available to their lawyers.

110. The Special Committee was informed by a lawyer about the particular role of the intelligence service regarding administrative detainees, which can override the decisions of judges concerning extensions of detention.

111. The Special Committee was informed that Ousama Barham, one of the longest-serving administrative detainees, had been released on 19 July 1999 after spending 5 years and 10 months in administrative detention, after an agreement had been reached between the Israeli Army and the Attorney-General's office. His administrative detention orders had been renewed 13 times. Under the terms of the agreement, Mr. Barham promised "not to resort to acts of violence or threats of violence of any kind or towards any person, regardless of religion or nationality". He had been imprisoned on 17 September 1993 on suspicion of being a member of the Islamic Jihad movement. Before that, he had already served a seven-year prison sentence for activities in the Fatah.

(ii) Imprisonment and conditions of imprisonment

112. The average number of Palestinian prisoners has been quite stable over the past years, averaging around 3,000. The Special Committee was informed that at the end of 1998 there were some 2,253 Palestinian political prisoners in Israeli prisons.

113. There are eight female Palestinian prisoners, aged between 20 and 30. The majority of female Palestinian prisoners have been accused of assaulting or planning to kill Israeli soldiers by stabbing them. According to a witness, they are often subjected to harassment by the prison administration. According to a lawyer, they are systematically prevented from making purchases at the prison canteen or receiving visits from relatives.

114. One of the problems Palestinian prisoners face is that of family visits, since most of them are incarcerated at some distance from their homes. Persons allowed to visit Palestinian prisoners are members of their immediate family. This poses serious problems for prisoners whose parents have died or who do not have brothers and sisters.

115. The Committee was informed that the offences for which Palestinian political prisoners were incarcerated included cases of attempted killing of Israelis, attempts to throw explosives, activities relating to resistance to occupation operations, stone-throwing, participation in demonstrations or affiliation with the Hamas or Islamic Jihad movements or with leftist organizations such as the Popular Front for the Liberation of Palestine (PFLP) or the Democratic Front for the Liberation of Palestine (DFLP). Israeli prisoners who have tried to kill Palestinians are usually deemed insane and given a lesser sentence. If sentenced to a long prison term, Israeli law allows the head of State to grant amnesty to Israeli prisoners.

116. The Oslo Accords provided for the release of Palestinian prisoners who fell into certain categories: those who have been imprisoned for more than 10 years, who are old, ill or under 16 years of age, and those who have received life sentences and have served more than 20 years. The release of 750 Palestinian political prisoners was also foreseen by the Wye River Memorandum, signed in October 1998. However, Israel has released only 250 Palestinians, most of whom were common law prisoners detained for short periods.

117. Most Palestinian prisoners are detained in the following prisons in Israel: Beersheba, Nafha, Ashkelon, Megiddo, Tel Mond, Jalameh, Damun and Shatta. Lawyers who represent Palestinian prisoners have to contact the prison administration and provide a list of prisoners they

would like to visit. The Committee was informed that there were no problems regarding visits to sentenced prisoners. At the beginning of 1999, lawyers who have a licence to practise in Palestine encountered problems visiting Palestinian prisoners in Israel. This did not include lawyers with a licence to practise in Israel.

118. The conditions of detention of Palestinian prisoners have been described as very bad, regularly giving rise to protest strikes by prisoners. Among the principal complaints are inadequate medical care and neglect, even in cases of serious illness, overcrowding, lack of hygiene, bad ventilation and bad and insufficient food.

119. The Special Committee was informed that the presence of a soldier or policemen during meetings between prisoners and their lawyers had been imposed. The soldier or policeman listened to and recorded the conversation between the prisoner and his or her lawyer.

120. The treatment of Palestinian prisoners differs from that of Israeli prisoners. Israeli prisoners are allowed to call their family by phone, which is not the case with Palestinian prisoners. After a certain period of incarceration, the Israeli prisoner can ask to make home visits and leave the prison on weekends for family visits, while Palestinian prisoners cannot leave the prison grounds.

121. The Special Committee was informed that Israeli law was the same but not the internal statutes of the prison administration, which gave particular discretionary power to the law enforcement agency, for reasons relating to the internal security of the prison itself and the general security of the State. This discretionary power allows the law enforcement agency to limit greatly the privileges of prisoners.

122. Army regulations apply to Palestinian prisoners from the West Bank and Gaza. Those military orders were not changed when the law on incarceration was changed in Israel, thereby accounting for differences in measures of incarceration or imprisonment. This allows the chief of the prison administration and the director of each individual prison to decide to take action with regard to the daily lives of the prisoners, "as long as this does not affect security".

123. The conditions of detention of Palestinian prisoners are particularly precarious during the period of interrogation, including with regard to access to lawyers and religious observance. The Committee was told that in applying Israeli military orders, the person in charge of the interrogation can order that the prisoner not receive visits. At first, the prisoner is not allowed to meet anyone for 15 days. This can then be extended for a further 15 days. After the first 30 days, a judge's order is required to renew that period for another 30 days. In such cases, appeals are submitted to the Israeli Supreme Court, which are rejected for reasons of security in many cases. The appeals against torture are also rejected in most cases, on the pretext that the prisoner is dangerous and a "time bomb".

124. Numerous Palestinian prisoners are placed in solitary confinement. The director of a prison can isolate any prisoner who violates or infringes regulations. He can do so for a period of 7 days, which can be extended to 14 days. This cannot be a continuous period. In accordance with the regulations, the prisoner must appear before a committee to defend himself. The internal regulations also allow the director of the prison administration to increase the period of solitary confinement to up to three months, which may be extended to continuous periods without the definition of a maximum period.

125. Some Palestinian prisoners have spent more than two years in solitary confinement. The Committee was informed that the Israeli prison administration had refused to remove prisoners from solitary confinement even in cases when psychiatrists confirmed that prisoners suffered from psychological problems and that it would be better for them to be in the company of others.

126. The Committee was also alerted to the practice of multiple confinement in isolation when prisoners are shifted to isolated locations, for example, after escape attempts. The prisoners were reportedly not allowed to take any personal possessions, whether clothes, food or electric appliances, and were deprived of family visits for more than a month. They were not allowed to come into contact with other Palestinians. Some of them were later dispersed to other places of detention.

127. If a prisoner tried to escape and was caught, other Palestinian prisoners were punished as well. The Committee was told about the beating of prisoners in Shatta prison on such an occasion with sticks and batons on their hands and feet. One prisoner reportedly received a head wound. The prison administration conducts almost daily searches of prison cells, some of which start early in the morning while the prisoners are still asleep. At times, police officers from outside the prison conduct the searches, including using police dogs. On occasion, all the property of prisoners is destroyed during such searches and the food they have in their cells is mixed together so that it cannot be used.

128. Palestinian prisoners and detainees are also held incommunicado for up to three months and judges can keep extending that period. No one can visit the detainee except for ICRC, which can visit after the first 14 days but is not

allowed to report on anything. The Committee was informed that there was no one to monitor the person's health or the abuse they were suffering.

129. A lawyer indicated that the behaviour of the Israeli prison authorities towards Palestinian political prisoners did not account for an improvement in their circumstances and conditions during the period under review. According to witnesses, the situation had deteriorated. The lawyer stated that the prison administration's policy was being implemented to suffocate and destroy the morale of Palestinian prisoners.

130. *Communication sent by the Special Committee at the request of a witness*. During its most recent field mission, the Special Committee was alerted to the health condition of three Palestinian prisoners, two of whom suffered from kidney failure and the other from cancer. The Committee wrote immediately to the United Nations High Commissioner for Human Rights, the Vice-President of ICRC and to the Director-General of WHO seeking their assistance in this connection. In addition, the Committee was informed that owing to the bad conditions of hygiene, a large percentage of Palestinian prisoners suffered from contagious skin diseases. Most Israeli prison doctors were said not to be specialists and to limit themselves to prescribing tranquillizers and painkillers.

(b) Use of force

131. The Special Committee noted that Israel was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46, annex), having ratified the Convention in 1991.

132. The Special Committee was concerned at a number of cases brought to its attention by persons it would consider entirely reliable, in particular by Israeli lawyers, of circumstances that would clearly constitute torture. Having regard to the seriousness of such cases, the Special Committee was particularly careful to have satisfactory records preserved, including sketches based on accounts to lawyers of those who had been subjected to such torture.

133. The issue of torture has been raised repeatedly in connection with the treatment of Palestinian prisoners under interrogation, in particular those accused of having committed security-related offences, who are investigated by the Israeli intelligence services and not by the ordinary police force. Palestinians are interrogated in four investigation centres: Al Jalameh, Petah Tikva, Ashkelon and the Moscobiyeh centre in Jerusalem. The routine interrogation methods used on Palestinians have been described as amounting to torture or ill-treatment.

134. The Israeli General Security Service (GSS, known in Israel as the Shin Beth or Shabak) interrogates Palestinians on the basis of the guidelines set out by the Landau Commission, part of which are confidential. The non-confidential part stipulates that GSS interrogators may use "moderate physical and psychological pressure", without specifying what it is, during interrogation. Some of the methods used are violent shaking, sleep deprivation, threats, including death threats; exposure to extremes of cold and heat; and hooding and shackling to low chairs while extremely loud music is played. Position abuse such as having the person interrogated stand with their knees half bent and their hands behind their back is also used.

135. An Israeli lawyer described the methods of torture as the use of handcuffs, which are positioned not at the wrist, but higher up, at the elbow, which puts pressure on the flesh, leading to congestion of the blood and pressure on the fingers. The most violent sort of interrogation method consists of violent shaking by grasping the detainee by the neck or shoulders, which does not leave any external marks, but can cause internal haemorrhaging. Shaking is not used with every prisoner because the interrogators have begun to fear that the method may result in serious bodily harm. One prisoner died as a result of this type of torture in 1995. Preventing a prisoner from meeting his lawyer, for a period that could extend to 60 days, was described as another method of torture.

136. Deception of the prisoner was described as psychological torture. The Committee was informed by an Israeli lawyer that if information provided by the prisoner was derived in an unlawful or illegal manner, under Israeli law that did not mean that that information in itself was illegal and could not be used against him in court. The interrogators therefore deceive the prisoner, giving him the illusion that the investigation has been terminated or the interrogation concluded. The prisoner is moved to a room with other "prisoners" who are in fact informers and who sometimes extract confessions through threats. The prisoner is then sent back for and his confession is used as a means to pressure him.

137. A new method of torture consists of blindfolding the prisoner on a chair and directing very strong light at the back of his head. The Special Committee was informed that one prisoner subjected to such treatment for a week felt heat and burning pain and constantly felt faint. After a week the interrogators were shocked to find out that he had become blind and he was immediately moved to a clinic in the

interrogation centre, given three injections and had ice put on his head. He began to recover his sight half an hour later.

138. In May 1998, the United Nations Committee against Torture concluded that the methods used by the GSS described above constituted torture or cruel, inhuman or degrading treatment or punishment and contravened article 1 of the Convention against Torture (see para. 131).

139. It is Israel's position that interrogations pursuant to the Landau rules do not amount to torture as defined in article 1 of the Convention. The Committee was informed that a representative of the Israeli State Prosecutor's Office had told the High Court of Justice, sitting in a nine-judge panel on 13 January 1999, that national interest should prevail over human rights. The Israeli Government invokes the "necessity defence". The representative recognized that some of the GSS interrogation methods were quite onerous but said that they were lawful since they did not amount to torture. The High Court of Justice has postponed taking a decision on whether torture should be abolished in Israel.

140. According to an Israeli lawyer, the GSS told the Court that they would "improve" the conditions of interrogation by introducing regular chairs instead of kindergarten stools, relatively comfortable handcuffs and better ventilated sacks that are put over the detainees' heads, thus admitting that such methods are resorted to during interrogation and will continue to be used. Prisoners are hooded with sacks in particular during the so-called "waiting period" between interrogations, which may last for days. The Committee was informed that the "improvements" had not as yet been implemented across the board.

141. The Special Committee was informed that "moderate physical pressure" was applied in almost every interrogation of a Palestinian, for prolonged periods of time, sometimes lasting for days. The methods were described as being scientifically designed and causing enormous pain without causing the death of the detainee and not leaving any physical marks. Nevertheless, a number of Palestinians surviving such interrogation have been left with some sort of physical or psychological disability.

142. The traditional position called the "waiting" position by the GSS is called *shabeh*. The detainee is placed on the low chair with a sack over his head and hands in handcuffs behind the back. Palestinian clients have told their Israeli lawyer that they had continuously been held in such a position for three days except for five minutes to go to the bathroom and eat meals on the floor. The "waiting" position was used between interrogation sessions. An Israeli lawyer told the Committee that her clients were sometimes brought to her with sacks on their heads, with visibly swollen hands and feet and redness and marks on the hands. Many times they were taken to their lawyer straight out of the chair.

143. According to the Israeli human rights organization B'Tselem, it is estimated that the GSS interrogates between 1,000 and 1,500 prisoners each year, 850 at least of whom are believed to be subjected to the use of "moderate physical pressure" in accordance with the 1987 Landau Commission guidelines.

144. The argument used by the GSS is that the prisoner is a "ticking bomb" so such interrogation methods can prevent a security incident. The Special Committee was shown GSS "interrogation charts" detailing exactly what type of treatment a detainee was subjected to and when they included sleeping periods, all of which was minutely recorded.

145. An Israeli lawyer stated that although necessity defence existed under the Israeli penal code, it was prohibited for a public official to use force during interrogations.

146. In addition to the "moderate physical pressure" which, according to the Israeli lawyer who spoke to the Committee, is legal, in theory, the Committee was informed of the existence of "enhanced moderate physical pressure", which is authorized by a special ministerial committee in the Knesset. An Israeli lawyer whose client was given such treatment underwent a variation of head shaking in which they hit him on the chin to force his head to knock back and forth. He developed some sort of growth in his neck, was hospitalized and they eventually removed the growth, which had been caused by that kind of neck action.

147. The issue of participation of Israeli medical doctors in the torture of Palestinian detainees has arisen repeatedly, as constituting behaviour incompatible with the taking of the Hippocratic oath and other international ethical standards. The doctors who issue "medical fitness forms" concerning the interrogation of prisoners in effect collaborate in the torture of Palestinian prisoners. On 28 May 1998, the Israeli Government affirmed that: "As of approximately a year ago, all Shin Beth interrogation facilities have had doctors on the premises 24 hours a day." It has been reported that, in addition to filling in the forms mentioned above before an interrogation, doctors are consulted during the interrogation in order to say how much more interrogation the prisoner can endure, which was said to account for few people dying under interrogation.

148. It has been reported that the Israeli Medical Association has reacted to prevent its members from

violating their ethical obligations by participating in what may constitute torture or in ill-treatment of detainees.

149. It should be noted that a number of Israeli Members of the Knesset, civil rights activists, including doctors and lawyers, and human rights organizations have raised the issue of torture and administrative detention of Palestinian prisoners. They have called for the establishment of ethics committees and have tried to raise awareness of such issues among the Israeli public. According to witnesses, the Public Committee against Torture in Israel has held street theatre performances showing the abusive positions to which Palestinians are subjected during interrogation. The performers have been attacked by passers-by, accused of supporting terrorists and told they are traitors.

(c) Aspects of the administration of justice

150. The Special Committee's attention was drawn to the extraordinarily complicated situation, in terms of the conflict of laws, that applies in the occupied territories, in particular on the question of jurisdiction, and as the Special Committee understands it giving rise to particular difficulties in Jerusalem. One example given by a lawyer expert in the field related to the numerous complications that this causes in matters relating to family law.[10]

151. In order to explain to the Special Committee the difficulties of legal representation for Palestinians both in the occupied territories and in Israel, an Israeli lawyer described the situation to the Special Committee as follows. The Supreme Court of Israel is the highest court of appeal, but also, as the High Court of Justice (the judges being the same), handles cases in which individuals make claims against Israeli governmental authorities. It is to the Supreme Court of Israel, serving as the High Court of Justice, that most cases arising in the occupied territories are sent once the administrative authorities have decided on such cases. House demolitions and land confiscations are referred to the Supreme Court of Israel, serving as High Court of Justice, but Palestinian lawyers are not allowed to appear. Palestinians have to be represented in the High Court by Israeli lawyers. The Committee was told that not many Israeli lawyers are willing to represent Palestinians, although a number of Israeli human rights lawyers are now more willing to represent them.

152. The Special Committee was informed by the lawyer that Palestinian prisoners from the West Bank and Gaza were tried before military courts in the occupied territories in accordance with the military orders. Thus, because of such trial before military courts, terms of detention and pre-trial period were not the same as under the presently amended general Israeli law. The Committee was told that there were serious cases in which the detainee had to wait a year for trial because, in accordance with the former Israeli law and the military orders, a detainee must be tried within a year of being indicted. It was informed that the degree of punishment differed between the military and the ordinary courts.

153. The Committee was told that, according to Israeli law and military orders, each Palestinian prisoner from the West Bank or Gaza who has Jordanian or Palestinian identification was tried in military courts in the West Bank unless the crime was committed inside Israel. In that case, he was tried by a military court in Israel.

154. The Special Committee was informed that Palestinian detainees under interrogation were brought before the military court for remand in order to have their period of interrogation extended.

155. House demolition proceedings take place in administrative proceedings within the Civil Administration, which is run by the Israeli army.

156. In view of the interrogation methods used by the GSS and described above, Palestinians are often sentenced in military courts where the principal evidence brought against them is based on confessions extracted under duress. An Israeli lawyer who defends Palestinians stated:

> "First, if a confession is made, most Palestinians are charged, tried and convicted based on that confession. That is a whole other legal issue. We try to challenge the validity of the confessions — this all takes place in military court. But because moderate physical pressure is legal, it is hard to say the confession is illegal, and then they are sentenced. That is why there are such a large number of Palestinian prisoners today."

4. Effects of the occupation on the lives of Palestinians

(a) General introductory observations

157. The attention of the Special Committee was drawn repeatedly to the general consequences of an occupation that has continued for a long period of time, under a system of occupation that would usually apply to a system of military occupation of relatively short duration; and statements were made to the Special Committee by a number of persons expert in their particular fields as to the consequences of such a long period of occupation on Palestinians of the occupied territories with respect to such matters as health, access to medical care and psychological effects on people

(adults, children, students, the very old, families and communities) on an unusually large scale.

158. The Special Committee wishes to reaffirm some of the general observations made in its previous report (A/53/661) such as those relating in particular to children.

159. The attention of the Special Committee was drawn specifically to the consideration that the majority of Palestinians have known occupation all their lives. The Palestinian Central Bureau of Statistics conducted a population census at the end of 1997. According to the census (estimated to cover some 90 per cent of the total population), the population of the West Bank, including East Jerusalem, was 1,873,476 while the population of the Gaza Strip was 1,022,207, amounting to 2,895,683. The census shows that almost three out of four persons covered by the census (74 per cent) were under 30 years of age, which means that they were born after the beginning of Israeli occupation. Approximately 47 per cent were under 15 years of age. The population of the occupied territories was expected to reach 3 million by the end of 1998.

160. Witnesses have stated that they have accepted the fait accompli of coexistence between two peoples on the land of Palestine as a solution based on resolutions adopted by the United Nations, which called for the return of refugees. However, they said that it was difficult for them to tolerate the existence of settlements inside the West Bank and the Gaza Strip that take up an area equivalent to approximately one fifth of the area of Palestine.

161. The occupation has had adverse effects on the health of the inhabitants of the occupied territories as well as on the health infrastructure. Numerous persons have been killed, injured or permanently incapacitated as a result of the occupation during violent incidents involving the Israeli army and security forces as well as settlers. This was particularly the case during the years of the intifada.

162. The Special Committee had an opportunity to acquaint itself with the situation of disabled Palestinians, whose number, since the beginning of the Israeli occupation, is estimated at approximately 15,000. Numerous Palestinians, in particular former detainees and prisoners, have sustained permanent bodily, sensory, visual, mobility and mental disabilities as a result of torture. A very large number have also sustained psychological disabilities. The Special Committee's attention was drawn to the imprisonment of disabled Palestinians whose condition was not taken into consideration by the Israeli prison authorities, which can on occasion compound the disabilities.

163. Occupation has had considerable negative effects on the psychological well-being of the Palestinian population.

164. The Special Committee was informed that it was very difficult to integrate disabled persons into Palestinian society and employment, primarily for lack of an adequate infrastructure, including insufficient rehabilitation centres. Disabled persons were particularly affected by the general economic situation in the occupied territories.

165. The Israeli Government has decided not to compensate persons who have been injured by the Israeli army during the intifada. Very few Palestinians have obtained compensation as a result of injuries inflicted by Israeli soldiers or security forces. The Committee was informed that it was virtually impossible to obtain compensation for injuries inflicted by settlers since they usually shot and ran away from the scene. The Special Committee was told that persons often did not receive compensation because they could not afford the fees to initiate litigation in the Supreme Court of Israel.

166. One witness stated that the greatest loss to Palestinian society as a result of the Israeli occupation was the destruction of expertise and of the scientific knowledge of Palestinian workers since the most qualified persons worked in Israel.

167. The Special Committee was told that the occupation had engendered a feeling of depression and pessimism not only among young people but also in Palestinian society as a whole, but that the feeling was more acute among the young. Expectations and a perceived window of opportunity existed in 1993 and 1994 at the beginning of the peace process about changes in daily life, security, peace, prosperity and a bright future. According to the witness, people found out that most of those things were illusions, that there was no peace and no improvement in their living standard.

168. One witness described Israeli policies and practices under the occupation as dehumanizing of the Palestinian residents of the occupied territories.

(b) Health

169. The level, standard and nature of medical services available to the inhabitants of the occupied territories have been affected to a great extent by the Israeli occupation. One of the legacies of the occupation is an inadequate health infrastructure as well as a double health infrastructure with all the costs this entails, owing to the separation of the Gaza Strip and the West Bank.

170. The separation of the occupied territories and the restricted freedom of movement between them is further compounded by the fact that the principal Palestinian medical facilities, the Makassed, Augusta Victoria and St. John hospitals, are located in East Jerusalem, which is not easily accessible to the inhabitants of the other part of the occupied territories. Although the Israeli authorities have issued directives that medical teams should not be hampered and that patients should be given access to hospitals, this is not always respected by Israeli soldiers manning checkpoints, who often act in an arbitrary manner. The Special Committee was informed that 60 per cent of the needs of hospitals and clinics in the occupied territories relied on the production of seven factories located in the Bethlehem and Ramallah areas. There were shortages of medicines and medical supplies as soon as a closure was imposed, especially in Gaza.

171. The Committee was informed by a medical doctor of the case of a man who had had a stroke and whose left side was becoming paralysed. The ambulance carrying him to Jerusalem was stopped for 35 minutes at the A-Ram checkpoint.

(c) Access to medical care

172. The restrictions imposed on the freedom of movement of the population of the occupied territories and the division of the territories themselves under the Oslo Accords have considerably affected the Palestinians' access to medical care. Those restrictions have been implemented mainly through the system of closures, permits and checkpoints.

173. The Committee was informed by a Palestinian medical doctor of the precarious state of health of Palestinian prisoners incarcerated in Israeli detention facilities where, *inter alia*, contagious skin diseases were rampant owing to the poor conditions of hygiene. The Special Committee was alerted about and intervened on behalf of three Palestinian prisoners who urgently required substantial medical treatment and were not receiving it.

(d) Psychological impact

174. The psychological effects of the occupation have had the most adverse impact on the mental health of former Palestinian detainees and prisoners. This is due to a considerable extent to the psychological effects of the interrogation methods that are used on Palestinian detainees and prisoners. Human rights organizations have estimated that some 1,000 Palestinians are tortured each year and that very few ever receive rehabilitation, therapy or any kind of treatment to deal with the trauma that they have been through. If the number is multiplied by the years of the occupation, especially during the intifada, it can be assumed that more than 50,000 Palestinian men belonging to a certain generation have been victims of torture and are suffering its consequences in psychological terms. This has numerous social effects on Palestinian society, creates hostility and anger towards Israelis and is reflected in domestic and other forms of violence and disorders. The absence of the head of family or seeing the head of the family humiliated by Israeli forces has long-term traumatic effects on children and generates violent behaviour.

175. Many former Palestinian prisoners suffer from back ailments, headaches and difficulty in sleeping, and do not readjust very well once they are released from prison. The effects of imprisonment and torture are compounded by the high rates of unemployment and restrictions on the freedom of movement resulting from the closure. The Committee was told that the social aspect of the problem could represent a social time bomb.

176. The Committee was told that former prisoners suffered from post-traumatic stress disorder as a result of torture and ill-treatment, which manifests itself years after the prisoner's release and gives rise to sleep disturbance, nightmares and remembering of such experiences. These persons have difficulty in expressing their emotions and are prone to domestic violence.

177. The Special Committee's attention was drawn to a particular form of psychological pressure and uncertainty exercise by the Israeli authorities who refuse to return the bodies of Palestinians killed in bomb attacks and other circumstances to their families so that the death can be acknowledged and the body given a proper burial. It has been alleged that the bodies are buried in a demeaning manner. This policy, said to be used as a deterrent for "terrorism", causes a family much suffering and makes it difficult to cope with the loss.

178. The Special Committee was informed that Palestinians did not generally have access to expert psychological treatment and that the society was very hesitant about it. Prisoners and their families did benefit from socio-psychological guidance.

179. One of the Special Committee's interlocutors stated that he was truly surprised by the resilience, steadfastness and tolerance of the Palestinian population and their confidence in the future after more than 30 years of occupation, 8 years of intifada, imprisonment and all the closures imposed on them by the Israeli authorities, concluding that they are an extraordinary people.

(e) Education

180. The right to education of the inhabitants of the occupied territories has been hampered to a considerable extent by restrictions placed on their freedom of movement by the Israeli authorities such as the system of permits, closures and curfews. More than 1,500 students from the Gaza Strip have been prevented from studying at universities in the West Bank as a result of the permit and closure policy. In March 1996, a number of students from Gaza were rounded up in the West Bank and deported to Gaza.

181. The Special Committee was informed that Gazan students needed to have a series of three permits in order to enter the West Bank, stay there and study at a university. Between 1996 and 1998 all applications for permits for Gazan students were denied by the Israeli authorities. In 1998, a list of 100 names of those who would be granted permits was drawn up.

182. A witness gave the example of a curfew, which constitutes a form of collective punishment, on a part of Hebron in 1998, which deprived some 12,000 boys and girls from 29 schools of their right to education. It also covered five kindergartens with 450 children. The Committee was told that 40 per cent of the school year was lost in Hebron in 1998 owing to restrictions placed on the freedom of movement.

183. The Special Committee was told by a university teacher that education was also hampered at the time of exams by soldiers who did not allow students to pass through checkpoints. If students were unable to prove that they had been held at checkpoints they could lose a whole academic year. Teaching staff and faculty also encounter difficulties in reaching educational institutions, especially if they taught in Jerusalem and lived in the West Bank. The Committee was told that numerous teaching staff left their cars near checkpoints and walked several hundred metres over hills or took detour roads in order to reach their universities if they did not have a valid permit.

184. The Special Committee was told that Israeli soldiers intentionally placed numerous checkpoints around Bir Zeit University, the leading university in the West Bank.

185. The Special Committee was informed that students studying abroad suffered from constant anxiety that they would not be able to return. The consequent feeling of dispossession may lay the ground for more radical action.

186. The Special Committee was told about the particular disillusionment of students and the young generation of Palestinians with life and opportunities in the occupied territories after the signing of the Oslo Accords. They were told that initial enthusiasm had given place to dashed hopes and despondency. One teacher stated that students had no prospects after graduating and felt hemmed in as if by prison walls.

(f) Family reunion

187. According to the information received by the Special Committee, since the beginning of the peace process the Israeli authorities had reduced the number of family reunifications granted to Palestinians, in particular in East Jerusalem. If a woman from Jerusalem married a man from the West Bank or elsewhere, the husband would not be able to acquire Jerusalem residence and she would not be able to register her children in the City. If the woman chose to live with her husband, she had to leave Jerusalem, thus losing her residence rights since her "centre of life" was no longer in the City. Refusal to grant the right to family reunification to Palestinian families in Jerusalem was viewed as one of the ways in which the Israeli authorities were trying to reduce the number of Palestinians in the City. The problem of family reunification was also linked to that of identity cards. According to the new Israeli policy, if the birth of a child was to be registered in Jerusalem, both parents have to be registered in the City.

(g) Economy

188. Although the general economic situation in the occupied territories remains precarious and despite the dramatic decline in the Palestinian economy since 1994, some improvements in the situation have been noted during the period under review. The 1999 report of the Director-General of ILO indicates that the 25 per cent drop in real per capita income now appears to have come to a halt and that current trends suggest a rise for the first time in five years.

189. The current per capita income of the occupied Palestinian territories is believed to be around $1,700, far below the per capita GNP of Israel ($15,810 in 1997). The report also indicates that relative improvements in the labour market, including a reported decline in underemployment, are due primarily to a reduction in the number of days workers were prevented from going to jobs in Israel and to the creation of more than 25,000 additional jobs within the occupied territories. The employment situation of workers of the occupied territories is said to have improved considerably in 1998, with average unemployment dropping to 14.5 per cent. The average in Gaza remained high, at around 20 per cent. The employment situation of workers of the occupied territories remains of serious concern.

190. On the basis of the population figures given above, it is estimated that the Palestinian labour force surpassed 600,000 in 1998, of whom some 400,000 are employed in the occupied territories. It is estimated that more than 100,000 Palestinians make a living by working in Israel, while the official Israeli estimates, according to the ILO report, put the figure of foreign workers as high as 300,000 to 400,000. It is estimated that the average core unemployment rate in the West Bank in 1998 was 12.3 per cent and 23.5 per cent in the Gaza Strip, amounting to 23.2 and 31.4 per cent respectively in broader terms.

191. The situation of Palestinian workers employed in Israel remains very precarious. The breaking of contracts and non-payment of wages are among the principal problems for Palestinian workers in Israel, as are the intermediaries for obtaining work permits. In the first three months of 1999, 347 Palestinian workers were detained in Israel for entering illegally. Wages in Israel are superior to those in the occupied territories. Numerous workers receive proposals to collaborate with the Israeli intelligence service and their permits can be confiscated if they refuse. In addition, Israeli workers enjoy 12 benefits of which Palestinians have only 3.

192. The Special Committee was informed about the situation of fishermen in Gaza. According to the Oslo Accords, Gazan fishermen are entitled to an area of up to 20 nautical miles, which was reduced to 12 nautical miles in 1996. This deprives Palestinian fishermen of the best catch for deep sea fishing. The Committee was informed by witnesses of cases of shooting and harassment of fishermen and damage of their nets by Israeli forces. The Committee was informed that boats, which constitute their means of livelihood, have also been destroyed or confiscated. Fishermen have also been arrested. When a closure is imposed on the occupied territories, the sea is declared a closed military area. In April 1999, the Israeli navy fired at a Palestinian fishing boat in the Khan Yunis area, injuring two unarmed fishermen and confiscating the catch. A witness stated that almost half of Gaza's fishermen had given up fishing as a result. The Committee was told that there was no follow-up by the Israeli authorities on the complaints regarding fishermen.

5. Special conditions affecting the lives of Palestinians in East Jerusalem

193. There are special conditions that apply to and greatly complicate the lives of the Palestinians of East Jerusalem, such as the requirement of East Jerusalem identity cards for residents of East Jerusalem, the alteration of the boundaries of East Jerusalem and the establishment of settlements within or close to East Jerusalem.

194. They are conditions that have a number of general consequences for the lives of the Palestinian community in East Jerusalem, such as a reduction in the Palestinian component of the population of East Jerusalem and consequences of an economic nature affecting various aspects of the daily life of Palestinians in East Jerusalem.

195. There are, of course, also references made in the 1998 report of the Special Committee (A/53/661) that concern the special conditions affecting East Jerusalem that continue to remain pertinent.

(a) Residence and the requirement of identity cards

196. One such condition is that relating to "residence" in East Jerusalem. As Israel considers East Jerusalem a part of Israel, all residents of East Jerusalem, including the Palestinians are required to have an identity card recording the fact that they are residents (the identity card entitles the holder to travel within Israel). The Special Committee was informed that this was done in order to change the demographic composition of East Jerusalem with a view to reducing the Palestinian component.

197. The identity card is an essential requirement, the Special Committee was informed, for living within East Jerusalem. Without such an identity card, a Palestinian is unable to reside in East Jerusalem. Holding an identity card is a precondition to entitlement, as a resident of East Jerusalem, to the social services provided by the Israeli authorities to residents of East Jerusalem holding identity cards:

(a) Losing residence rights has extremely serious repercussions for the lives of Palestinian Jerusalemites regarding their social and property rights, freedom of occupation and freedom of movement. Children cannot be registered at birth or treated in hospitals; they do not receive identity cards when they reach the age of 16 and cannot enrol at universities;

(b) Persons whose identity cards have been revoked are not notified about this measure. Witnesses have stated that people usually find out that their residence rights have been revoked when applying for a travel document and being told that their name has been taken out of the computer and that they are no longer considered residents of Jerusalem. It is estimated that up to 80,000 people considered to live outside the municipal boundaries are threatened by this policy.

198. The Committee was informed by a witness of a recent positive development in Jerusalem whereby if a pregnant woman registers with the National Insurance Institute (NII) before the end of the sixth month of pregnancy, even if the investigation for her eligibility for health insurance is not over by the time she gives birth, the State will pay the costs of the delivery.

199. A number of provisions limiting entitlement to hold an East Jerusalem identity card directed at the Palestinians residents of East Jerusalem have seriously affected them. The attention of the Special Committee was drawn to measures taken by the Israeli authorities to revoke or confiscate identity cards held by the Palestinians of Jerusalem:

(a) Although identity cards were confiscated from Palestinian Jerusalemites before 1996 under the Entry into Israel Law of 1952 and the Entry into Israel Regulations of 1974, the revocation of Palestinian residence rights in East Jerusalem had intensified 600 per cent since 1996 with the introduction of the "centre of life" criterion. According to that criterion, Palestinians had to prove that they lived in Jerusalem by providing the authorities with birth certificates, proof of employment, tax receipts, water, rent and electricity bills, proof of enrolment of their children in schools in Jerusalem as well as vaccination certificates. More than 700 identity cards were confiscated from Palestinian Jerusalemites in 1998;

(b) Regulation 11 (c) of the Entry to Israel Regulations (Amendment No. 2), 1985, stipulates that "the validity of the permanent residence permit will expire ... if the possessor of the permit abandons Israel and settles in a State outside of Israel". Regulation 11 (a) considers a person to have settled in a State outside of Israel if (a) he has sojourned outside of Israel for a period of at least seven years; (b) he has received a permanent residence permit in that State; and (c) he has received the citizenship of that State by naturalization;

(c) The situation of Palestinians living in East Jerusalem grew more precarious during the current reporting period. Palestinian inhabitants have continued to lose their residence rights when their identity cards are revoked and confiscated by the Ministry of the Interior. The intensive confiscation of identity cards from Palestinian Jerusalemites began in 1996. More than 2,000 family identity cards were confiscated between 1996 and 1998, which is estimated to affect some 8,000 persons. Witnesses described this Israeli policy as "ethnic cleansing" or "quiet deportation";

(d) Witnesses pointed out to the Special Committee that Palestinian Jerusalemites who could trace their ancestry in the City for generations were treated as foreigners in their own country, as people who had entered Israel instead of the opposite;

(e) Persons are considered to have left Jerusalem and hence Israel if they live outside the City's municipal boundaries as drawn by the Israeli authorities. Therefore, persons living in Bethlehem or Ramallah are considered to be outside Israel. The Committee was told that Palestinians who lost their identity cards since their "centre of life" was found not to be in Jerusalem were asked to "leave Israel" and usually given 15 days to do so.

200. Human rights organizations have stated that the policy of identity card confiscation is coordinated through an entire network of Israeli institutions at the centre of which is the NII. NII is entitled to conduct investigations into the eligibility of Palestinian Jerusalemites for public welfare services such as health insurance. The information obtained is transmitted to the Ministry of the Interior, which has jurisdiction over identity cards.

201. The right to family reunification has been severely curtailed in Jerusalem since the conclusion of the Oslo Accords.

(b) Alteration of the boundaries or city limits of East Jerusalem

202. Apart from the requirements relating to identity cards, making an identity card essential for living within East Jerusalem, additional difficulties have been caused to the Palestinians of East Jerusalem by measures that seek to reduce the Palestinian component of the East Jerusalem population by changes made to the municipal boundaries of Jerusalem. The attention of the Special Committee was, for example, drawn to the fact that, in May 1997, the Israeli Knesset adopted a plan for the establishment of a "Greater Jerusalem", or of a municipality of "Metropolitan Jerusalem", which would expand the municipal boundaries to include a number of Israeli settlements that form a ring around the City and separate it from the rest of the West Bank, thereby further increasing the Israeli majority over the Palestinian population.

(c) Establishment of settlements within or close to East Jerusalem

203. The construction of settlements within or immediately next to the boundaries or city limits of East Jerusalem is seen as a measure designed to affect the demography of East Jerusalem through a reduction of the percentage of Palestinians in the population of East Jerusalem. This comes

in addition to the tensions that are generated by the establishment of settlements.

204. Jerusalem has no land left for cultivation; it has all been confiscated right up to the Palestinian quarter of the Old City. Palestinians have not only lost their farmland, but they also have no land to build on. The growth in population has caused a steep rise in rents in the City, compelling many to leave Jerusalem for less expensive areas. The 52 per cent of East Jerusalem that has been declared a "green area" or natural preserve does not allow for Palestinian construction. "Green areas" can be converted to "yellow areas" by the municipality and Israelis are then allowed to build. The Special Committee was informed that the site of the Har Homa settlement where 6,500 housing units were being built on Jabal Abu Ghneim was once part of such a natural preserve.

205. The Israeli population in East Jerusalem has increased by tens of thousands in recent years, mainly as a consequence of the construction of new settlements around the City. The Israeli encroachment into the very heart of Palestinian East Jerusalem is illustrated by the fact that some 65 Israeli families currently live in Palestinian areas of East Jerusalem. In the village of Silwan, 14 Israeli families are living in houses that were seized illegally. The Committee was informed that 15 Israeli settlements had been established in East Jerusalem since 1967, on 24 square kilometres of land confiscated for public use.

(d) General consequences of such measures on the lives of Palestinians in East Jerusalem

206. *Changing the demography of East Jerusalem.* The Special Committee was informed that in 1967 there were no Israelis or Israeli property in East Jerusalem. Now, 24 square kilometres or 34 per cent of East Jerusalem are under Israeli control, with 45,000 housing units inhabited by Israelis. The Israeli population of East Jerusalem currently stands at 170,000. The aim of changing the demographic balance in the City was achieved in 1993 when Israelis represented a majority for the first time. Building in neighbourhoods such as Ras Al Amud and Silwan in East Jerusalem is exacerbating the trend.

207. The Special Committee believes that the circumstances of East Jerusalem, in view of its particular complexity, requires special mention and emphasis in view of what seems to the Committee to be a very confusing environment at present in terms of questions of residence rights, travel limitations and isolation from relatives and friends in other parts of the territories, disruption of family life and other aspects to which the attention of the Special Committee was drawn.

208. Thus, though East Jerusalem is part of the occupied territories, it appears in practice to be administrated in a manner different from the rest of the occupied territories, creating complications of a very special nature, of which the Special Committee is not fully aware. The following aspects referred to in paragraphs 207-226 are some of the matters that were brought to the attention of the Special Committee.

209. The Israeli policy concerning Jerusalem is to create and maintain an Israeli majority and remove any distinction between the eastern and western parts of the City. One witness told the Special Committee that the goal of the Israeli authorities was to have 78 per cent of Israelis and not more than 22 per cent of Palestinians in Jerusalem. The boundaries of Jerusalem were drawn in such a manner as to give the City a large territory with few Palestinian inhabitants. The Committee was told that the Israeli authorities used very sophisticated bureaucratic methods to reach their goal of having fewer Palestinians in Jerusalem.

210. Palestinian institutions in East Jerusalem have also been threatened. Immediately prior to the Israeli elections in May 1999, the Israeli authorities moved to close a number of offices in Orient House, an action stopped by the Israeli Supreme Court. Palestinians do not recognize Israeli law as applicable in East Jerusalem.

(e) Consequences of an economic nature on the lives of Palestinians

211. The general consequences of the measures noted above affect the availability of housing and the overcrowding in existing Palestinian homes. The attention of the Special Committee was drawn to the consequences described below.

212. As a reaction to the Israeli policy regarding the residence rights of Palestinian Jerusalemites, witnesses reported that many residents of Jerusalem who had been living in the West Bank have moved back to the City in order not to lose their residence rights. One of the effects was a sharp rise in rents in East Jerusalem. The Committee was informed that rents in the area around Jerusalem are one third of those in the City.

213. With regard to the economic situation, according to the 1999 ILO report, over the years, the Israeli occupation has reduced job opportunities in East Jerusalem and obliged skilled workers to move elsewhere. Many Palestinians who moved back to East Jerusalem after 1993 in order to prove to the Israeli authorities that it was the main centre of their life have been unable to find work and in many cases they

were also not entitled to social security benefits. Their return has caused rents to rise and the standard of living in East Jerusalem is now very low.

214. It has been reported that a building permit for East Jerusalem costs NIS 130 for one square metre, which amounts to an average of more than $20,000 dollars which few Palestinians can afford. Palestinians also have to provide proof that they own the land. The Committee was told that the Israeli authorities had issued 158 building licences to Palestinians in East Jerusalem, as opposed to 9,000 licences issued to Israelis. Getting a licence to build can take between one and five years. Palestinians are allowed to build structures of up to 3 floors while Israelis can build up to 10 floors.

215. Since the Israeli authorities consider Jerusalem a part of Israel, Palestinians from other parts of the occupied territories face considerable difficulties in obtaining permits to enter the City. The lack of access to East Jerusalem has serious repercussions for the inhabitants of the West Bank as the principal Palestinian health, education, religious and cultural facilities are located there. Access of Palestinian health workers and patients to East Jerusalem has been restricted further during the period under review.

V. Situation of human rights in the occupied Syrian Arab Golan

A. Background

216. As has been observed in previous reports of the Special Committee, the Golan has been occupied since 1967. On 14 December 1981, Israel decided to impose its laws, jurisdiction and administration on the occupied Golan, which was in effect an annexation of the territory.

217. On 17 December 1981, in its resolution 497 (1981), the Security Council considered the annexation null and void.

218. In its resolution 53/57, of 3 December 1998, the General Assembly decided that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect. The annexation has also not been accepted or recognized by the Arab population of the Golan.

219. Thus the annexation has never been recognized by the United Nations.

B. Consequences of the occupation

220. As the occupation of the Golan has extended over a long period of time, the consequences of the occupation, in terms of its effects on the occupied Golan and its population, have been extensive, affecting all aspects of life and families, villages and communities.

221. Syrian government officials with whom the Committee met emphasized that the occupation itself was one of the most serious forms of human rights violations and that for the violations to end the occupation itself had to be terminated. They stated that the situation of human rights had actually deteriorated in the course of the reporting period. One official described the Syrian Arab people in the occupied Golan as hostages of the occupying authorities.

222. The Special Committee was informed that occupation not only involved daily suffering of the population living under occupation but that their identity and culture were also at stake. The Committee was told that information about the situation in the occupied Syrian Golan was obtained principally by telephone, through conversations over the megaphone and on the occasion of meetings in Jordan of family members living on different sides of the demarcation line.

223. The paragraphs below list some of the concerns to which the attention of the Special Committee was drawn in particular by those appearing before the Committee.

224. The demography of the occupied Golan has been deliberately changed. In 1967, the occupied Golan was inhabited by approximately 130,000 people, 123,500 of whom were expelled. The Israeli forces destroyed 244 residential sites, including the cities of Quneitra and Fit, and occupied some 1,120 square kilometres. The occupied Golan at present has 23,000 Syrian Arab inhabitants who live on approximately 100 square kilometres in five villages: Majdal Shams, Buqata, Ain Qunya, Masada and Al-Ghajar, one third of whose territory has been expropriated by the Israeli authorities.

225. The Special Committee was informed that there had been no change in Israeli policy regarding the occupied Golan, that the number of settlers had increased and existing settlements had been expanded during the period under review. No new settlements had been established, however.

226. There are approximately 40 Israeli settlements in the occupied Golan, the largest of which is Katzrin, inhabited by some 15,000 settlers. The Committee was informed that the Israeli authorities had set a target figure for 36,000 settlers for the occupied Golan and that 2,500 new housing units were to be added to the settlements, which contributed to an explosive situation. The Israeli settlement policy was described as inimical to peace. When the Special Committee asked witnesses whether any Israelis were helpful to the people of the occupied Syrian Golan they replied "Not that we know of".

227. The relations between settlers and the Arab population of the occupied Golan were tense and often of a violent nature, in particular where there were settlements located close to Syrian villages. The attention of the Special Committee was drawn to the fact that all settlers were armed, while the Arab inhabitants of the occupied Golan were not allowed to carry weapons and that, for example, the settlers shot at cattle if they grazed close to settlements.

228. There were numerous instances to which the attention of the Special Committee was drawn of the widespread nature of the consequences of the occupation: the intention of the Israeli authorities to increase significantly the number of settlers, persistent Judaization of life in the occupied Golan and falsification of history at the expense of the Arab population.

229. There were also widespread economic consequences of the occupation. The economic constraints exercised by the Israelis over the occupied Golan were also shown, the Committee was informed, in the lack of equal employment opportunities, heavy taxes, fixed low prices imposed on apples, the main agricultural produce, arbitrary arrest and detention and inadequate health care. Deterioration of the environment caused by the Israeli authorities has resulted from the uprooting of trees, burning of forests, chemical residue from Israeli factories and waste from settlements.

230. The Special Committee was informed that the controls exercised by the Israelis over water resources, for example, were all the more important because 96 per cent of the occupied Golan was agricultural. The Committee was informed that the main purpose of the occupation of the occupied Golan was control over water resources. A witness provided the following example:

> "Yes, they have got a system to control the water. For example, if a man were to want to build a reservoir on his land, he would not be allowed. A reservoir is not allowed, either to gather groundwater for later use or to collect rainwater into a lake, as is the custom. If someone were to build a reservoir on his own land to collect rainwater, they would come and vandalize it one way or another in order to keep him from using it."

231. Settlements are established on land confiscated from the Syrian Arab inhabitants of the occupied Golan. One witness told the Special Committee that after the death of his father, the Israeli authorities did not recognize the land deeds presented by his brothers in order to confiscate their land.

232. Settlements compete with Syrians in economic terms regarding agriculture, the principal activity of the Arab population of the occupied Golan. The competition is rendered more uneven by the restricted access of the Syrian inhabitants to water compared with the settlers. A Syrian farmer has to pay $1,500 to irrigate 1 dunum, which is often in excess of what his crop would yield. The cost of pesticides for Syrian farmers also often surpasses the financial yield of their crops.

233. The economic situation of Syrians in the occupied Golan is compounded by lack of job opportunities. Many qualified Arabs from the occupied Golan are employed in menial jobs and are sometimes dismissed arbitrarily by their Israeli employers. Many workers are never paid or not paid in full. The 1999 ILO report states the following with regard to such workers:

> "The Syrian authorities added that earlier labour practices were still going on, including dismissals, discrimination in recruitment and wages, the ban on taking holidays for national events celebrated by other Syrian citizens and the ban on participating in demonstrations of solidarity with the Arab world. The Syrian Government continued that, although workers could submit complaints to the tribunals, in practice the procedure was lengthy and costly."

234. Health care services in the occupied Golan were described as non-existent, while the costs in Israel were prohibitive for Syrians from the occupied Golan. The Committee was informed that the Arab population had financed the building of a small hospital in Majdal Shams and had built small clinics in the other villages.

1. The particular problem of school curricula

235. Witnesses stated that the Israelis were trying to destroy the social fabric in the occupied Golan and that the educational curriculum was used to incite sectarian differences:

> "I would like to add that Israel is trying to create dissent and division among the Arab and Druze inhabitants of the Occupied Golan. But we say that the

Arabs are Druze and the Druze are Arabs and that they are all Muslims. There are 73 Muslim sects in the world, of which the Druze are just one."

236. The Committee was told that the Arabic language was marginalized and that Arabs were depicted in textbooks either as shepherds or invaders. One witness stated the following with regard to education:

> "As far as schools are concerned, they are under the control of the Israelis, and the teachers who attempt to teach the children their national history or who encourage them to think in Syrian national terms are often expelled from their posts. The Israelis are also attempting to suppress the Arabic language and to marginalize it. When they set up schools, they designate places that are not well suited to serve as schools. The Israeli authorities try as much as possible to keep students ignorant and do not allow them to go to Damascus for their education unless they pay a lot of money in fees. Nor are they allowed to study elsewhere. Furthermore, they are kept from studying in Israeli universities by the very high fees imposed upon them. The only way they can study in Israel is if they are found to be partial to the Israeli system or if they are seeking Israeli citizenship. But because of their national sentiments, students would refuse to receive that kind of education."

2. The particular problem of long-separated families

237. One of the principal negative impacts of the occupation of the occupied Syrian Golan has been the separation of families who live on either side of the valley constituting the demarcation line. One witness said that he had not seen his family since 1967. The Special Committee spent almost an hour at a point opposite the village of Majdal Shams, in the occupied Syrian Golan, and witnessed an exchange through megaphones between long-separated family members and other relatives. The exchange seemed to the Special Committee very inadequate because even through a megaphone it was faint and far from satisfactory. Telephone connections existed but were costly. Syrians from the occupied Golan could call the Syrian Arab Republic but the opposite was not possible.

238. The Committee was told about emotional exchanges of this type between close family members in the past that have on occasion resulted in the death of an elderly parent. One witness described how his mother came in 1982 to the so-called "shouting hill" in Majdal Shams and was only able to pronounce his name before suffering a stroke that paralysed her. She died a couple of days later:

> "My mother went to the area we call the place of humiliation and tears, and spoke only the word 'Mohamed' after taking the megaphone. She had a stroke and became paralysed. She survived only for three days, passing away as a result of what took place."

239. The separation of families is particularly painful in the event of a death. A witness told the Committee that the Israeli authorities had deliberately not issued permits to his family in the occupied Golan to attend his cousin's funeral in Damascus in December 1998. The family was allowed to leave the occupied Golan once the Israeli authorities knew that the funeral had taken place. The issuing of permits can take up to three or four months. The Committee was told that 55 mothers whose children were in Damascus had asked for a permit to visit, received it, but were subsequently stopped from leaving the occupied Golan by the Israeli authorities. Some families never receive permits. One witness told the Committee:

> "The Israeli occupation authorities have not allowed any member of my family to meet with me. None of them have been allowed to come to Damascus. My father died; my sister died; one of brothers died; my maternal and paternal uncles died; and I have not been able to see any of them since the occupation began."

240. Witnesses also complained that Syrian detainees from the Golan were detained at a considerable distance from their place of residence, which made family visits difficult.

241. Travel restrictions also place considerable difficulties in the way of normal social communications between relatives, friends and colleagues. A witness described what an Arab from the occupied Golan needed in terms of travel authorization:

> "He could carry his identification card as an inhabitant of the occupied Golan, which is not an Israeli identity. But if he needs to travel, another permit is required. For example, when the students cross here they must leave those identity equivalents behind with the Israeli authorities at the border and go without papers. When they return, they receive them again. The authorities keep them for them, but they do not allow them to cross with those documents. They are used only to circulate in the occupied Golan."

242. However, a recent positive development is the issuing by the Israeli authorities of permits to travel to Jordan for five days where Syrians from the occupied Golan can meet

their family and relatives living in Syria. Permits are issued for Jordan only. However, not all Syrians from the occupied Golan can afford the high costs. Cross-border marriages have continued to be allowed and Druze clerics from the occupied Syrian Golan who visit holy places such as Nabi Hadil have been able to travel to Syria during the current reporting period. In general, clergy can travel to Syria easily.

3. The particular problem of landmines

243. The Special Committee's attention was drawn in particular to the serious problem of the landmines that have been laid over the years in a large part of the occupied Golan, sometimes so close to villages and houses that they were a continuing danger, resulting at times in injury or death.

244. The current aim of the Israeli mine policy, the Special Committee was informed, is to use mines to annex land in the occupied Golan in order to turn it over subsequently to settlements. When the army leaves a site, there is no attempt to remove the landmines until the building of a settlement.

245. The Committee was informed that some minefields were located in Arab-populated villages such as Majdal Shams, but also in Buqata and Masada. One of the reasons for laying landmines was to prevent the villages from expanding. Some 60 persons in the occupied Syrian Golan had been injured, incapacitated or killed by landmines and 20 others injured by bullets or other explosive ammunition. A witness stated that the Israeli army did not fulfil the minimum requirements of security near minefields such as signs, signals and alarm systems. It has also been reported that the army did not know the exact location of the landmines, which were also sometimes displaced by rain.

246. The Committee was told that the Israeli encampment on Beit el Tell was surrounded by Arab villages, which constitute a sort of human belt around it. One house is located only 1.5 metres from a minefield. A mine exploded 20 metres from a home in the village of Telit el Rihania. Mines represent a particular danger for children. A five-year-old boy was killed and his four-year-old sister injured all over her body by a mine that exploded in 1998.

VI. Official communications received by the Special Committee

247. The Special Committee was provided with extensive documentation by the Governments of Jordan and the Syrian Arab Republic, reflecting the views of those Governments on the situation in the occupied territories. In order to provide insight into what the reports contained, the Committee reproduces below the most salient paragraphs. The full documents are available for consultation.

A. Syrian Arab Republic

248. During its visit to Damascus, the Special Committee received from Ambassador Klovis Khoury, Director of the International Organizations, Department of the Ministry of Foreign Affairs of the Syrian Arab Republic, the report entitled "Report of the Ministry of Foreign Affairs of the Syrian Arab Republic on Israeli Practices Affecting the Human Rights of Syrian Citizens in the Occupied Syrian Arab Occupied Golan". While in the Syrian Arab Republic, the Committee also received a written communication from the Governor of Quneitra Province, Mr. Walid Al-Buz. The Special Committee's attention was drawn in particular to the following passages of the report presented by the Ministry of Foreign Affairs:

> "Since the submission of the Syrian Arab Republic's last report in July 1998, the human rights situation of the inhabitants of the Syrian Arab Occupied Golan has further deteriorated, Israeli policies and practices having grown increasingly uncompromising, arbitrary and coercive under the Government of Benjamin Netanyahu. More racist, aggressive and expansionist in its attitude, this Government has, in brazen defiance, persistently declared that it will continue to occupy and expand its settlement of the Syrian Arab Occupied Golan, the corollary of which is the expropriation of land and water and violation of the rights of the inhabitants of this occupied region.

"I. Annexation of the Occupied Golan

> "In any account of the practices of the Israeli occupation authorities in the Syrian Arab Occupied Golan, it must be stated that the foremost human rights violation is the occupation itself, a situation which has continued throughout the 32 years since it first began in 1967. From the very outset, Israel endeavoured to prepare the material, human, administrative and political ground for an eventual decision to annex the Occupied Golan. To that end, it employed a two-sided policy aimed at achieving the single objective of isolating the Occupied Golan, detaching it from the

Syrian motherland and subsequently annexing it to Israel. The first side of this phased policy pertains to the land and the second side to the inhabitants.

"The Occupied Golan Act. As an illustration of the Israeli attitude towards holding onto the occupied area of the Occupied Golan and in a bid to forestall any possibility that the next Israeli Government might withdraw from the Occupied Golan, Israel's ruling right-wing coalition under the leadership of Benjamin Netanyahu tabled the Occupied Golan Act in the Knesset in early 1999. This Act stipulates that any relinquishment of an area subject to Israeli sovereignty requires the approval of the Knesset by a majority of 61 votes, followed by a majority referendum. The Knesset approved the Act at its third and final reading on 26 January 1999.

"II. Israeli settlement in the Occupied Golan

"Israeli settlement in the occupied Syrian Occupied Golan is a reflection of Israel's predominant and perpetual aims of expropriating land and water, driving the Arab inhabitants off their land and bringing in Jewish settlers to replace them. It is equally a reflection of its security claims and its racist ideology.

"Following the Israeli aggression against Syria on 5 June 1967, the occupation forces drove out the Arab inhabitants, whose numbers then amounted to 130,000 (and are now estimated at 500,000), from a total of 244 towns, communities, villages and farms, which were then destroyed. Five villages located in the northern Occupied Golan, namely Majdal Shams, Masada, Buqata, Ain Qunya and Al-Ghajar, were excluded, the occupation forces having proved unable to drive out their inhabitants owing to the early arrival of United Nations troops. These villages are now inhabited by some 23,000 Syrian citizens, who are made to suffer various forms of Israeli repression and arbitrary action. Moreover, the territory of these villages is no longer as it was, one third of it having been expropriated by the Israeli occupation authorities.

"In place of the villages which it destroyed, Israel established approximately 40 settlements, some of which are still being completed. Several of these settlements have been given full or abbreviated Old Testament names or names of supposedly ancient settlements or names which are Hebrew distortions of Arab place names, thereby exposing the attempts to bestow a Hebrew identity on the area and Israel's intention to continue occupying it.

"During the past year, work continued on expanding the settlements in the occupied Syrian Occupied Golan, the Israeli authorities having authorized their expansion to three times their present area, which illustrates the hostile intent of the Israeli Government to continue its occupation of the Syrian Occupied Golan.

"Confirming Israel's ambitious designs over the territory of the Occupied Golan, on 12 October 1998, a group of extremist settlers in the Occupied Golan seized several dunums of agricultural land near the village of Al-Fajr. Although the group claimed to have entered the land only temporarily for recreational purposes, the methods which it employed betrayed its objectives of settlement, therefore prompting the village inhabitants to equip themselves with sticks and stones in order to resist the settlers and force their departure.

"During the third week of March 1999, detailed Israeli reports were published about the so-called 'Occupied Golan development plan' drawn up by a committee consisting of representatives from the Ministries of Housing, the Interior, National Infrastructures, Health, and Environment, together with representatives from Zionist organizations and the Occupied Golan Settlements Committee. The stated objective of this plan is to double the number of Jewish settlers in the Occupied Golan to about 36,000 during the next few years. Discussions were held concerning the requirements needed for this operation in terms of infrastructure, education services, public amenities, tourist sites and so on.

"The increase in the number of housing units is markedly out of line with the number of settlers. On 20 August 1998, the newspaper *Ha'aretz* commented that data provided by the Ministry of Housing seemed to indicate that the number of empty housing units in the Occupied Golan settlements ran into scores. As such, the construction of new housing units does not fall into the category of addressing the shortage of housing available to Israelis.

"III. Expropriation of land and water

"Not satisfied with the seizure of 96 per cent of the territory of the Occupied Golan, the destruction of 244 towns, communities, villages and farms in the Occupied Golan and the expropriation of its water, the Israeli occupation authorities are now blockading the remaining five Syrian villages and expropriating their land, as in the case of the remaining land in Sahita and land in the village of Muwaisa belonging to the Kanj family from Majdal Shams. Land was also expropriated in the areas of Tal Al-Rihana and Al-Buwaib near Majdal Shams on the pretext of military manoeuvres. The inhabitants of the five villages are additionally faced with building constraints; any further building is restricted, as are building licences, and heavy taxes are also imposed. The occupation authorities have employed various methods of expropriating land, in particular:

"(a) Expropriating land belonging to emigrants and designating it as State property on the pretext of the owners' absence, and expropriating public land, such as in Masada, which is owned in common by the inhabitants;

"(b) Expropriating land near the ceasefire line and laying it with mines;

"(c) Expropriating land in order to build military camps and sites;

"(d) Expropriating land in order to build roads and military installations and laying minefields on land that is nowhere near the ceasefire line;

"(e) Expropriating land in order to build settlements and agricultural and industrial facilities;

"(f) Enclosing an estimated total area of 1,000 dunums of land on the pretext that it was under the control of the Nature Protection Authority.

"An even more critical consideration is the fact that such agricultural land is the main livelihood of the Syrian Arab inhabitants of the occupied Occupied Golan. As such, Israel is aiming to strip them of their economic land base in order to drive them into work in Israeli factories, thus facilitating the task of exercising control over their economics and lifestyle.

"Attacks are made on the animals owned by Syrian citizens in the Arab Occupied Golan; livestock entering the vicinity of the settlements is killed and its owners imprisoned, or it is impounded and taken away to places as far removed as Beersheeba. High transport costs are therefore incurred in its return, in addition to a tax that is almost equivalent in amount to the value of the livestock itself. In this manner, each farmer loses about 10 head of livestock, usually cattle, per year.

"The grazing area is also diminishing as a result of the constant expropriation of land and citizens are consequently driven into grazing their livestock on the expropriated land, where it is either killed or impounded by Jewish settlers or the occupation forces. One of the most recent examples of land expropriation occurred in February 1999, when farming land in Al-Khisha, lying east of the village of Buqata to which it belongs, was expropriated by the occupation authorities and given to Zionist settlers who uprooted the apple seedlings planted on it. On 27 February 1999, the inhabitants of all the villages therefore assembled and, in disregard of the occupation authorities, went to replant the site to the refrain of the Syrian anthem as a way of proclaiming their national stand.

"Numerous difficulties are associated with the agricultural crops grown by the inhabitants, particularly apples; being the main crop, they are heavily taxed by the occupation authorities, which forces the inhabitants to sell them at the cheapest price. Added to the taxes, the cost of cultivating, harvesting and working the land amounts to the equivalent of the crop value. A carriage tax equivalent to $300 is imposed on each vehicle transporting 100 crates of apples to market and the tax on apples is $75 per ton. Pesticides and fertilizers are also very costly.

"Irrigation water flowing from land owned by citizens is also taxed, as are any reservoirs and tanks on their land. Irrigation water is sold to them at a price of roughly $1 per cubic metre, although they are supplied with only a scant proportion of such water. Citizens are also highly taxed by the occupation authorities for use of the irrigation network at a rate of $1,500 per unirrigated dunum of land, and obstacles are placed in the way of irrigation projects set up by citizens on their own account.

"Once land is under their control, the occupation authorities then demand the statutory title deeds and subsequently expropriate the land from any citizen who is unable to produce these documents, despite the fact that most village land in the Syrian Arab Republic

is owned on the basis of local contracts of sale and purchase. A further example of the above restrictions is that the citizen Sa'id Mahmud was prevented from erecting a livestock shelter next to his house in Majdal Shams.

"Houses which citizens build without permits have their water and electricity supplies cut off as a precursory step to their demolition. Alternatively, the authorities allow such houses to remain standing, but impose a high half-yearly tax of $2,000 per house. If payment is not made, the house remains under threat of demolition, one example being the house belonging to Mahmud, Isam, Kifah and Amal, the children of Ha'il Abu Salih. Pressure was also exerted on the citizens Hisan Mahmud and Fayiz Saray Al-Din to sign a false statement to the effect that they had built on land which was abandoned property, while the citizen Fayiz Mahmud Mahmud Abu Salih was prohibited to build on a plot of land owned by him.

"In regard to the *Israeli exploitation of water in the Syria Arab Occupied Golan*, the occupation authorities resorted to various methods as part of an approved and deliberate Israeli policy, including the following:

"1. Israel uses all the water from the Banyas river, which, according to long-kept historical records, flows at the natural rate of 121 million cubic metres per year;

"2. Part of Lake Tiberias is in Syrian Arab territory and is used by Israel as a regular reservoir and distributor for the waters of the Jordan and Yarmuk river system;

"3. All the Syrian Arab hot spring water is used by Israel, which endeavoured to alter the nature of the spring by rearing crocodiles there;

"4. Israel's practices in connection with water in the Occupied Golan have been carried out through the Israeli company, Mekorot.

"The Syrian Arabs in the occupied Occupied Golan attempted in some minor way to overcome the problem of access to sufficient water by putting up small tanks with a capacity of between 500 and 1,000 cubic metres for the collection of rain water. In 1985, about 650 of these tanks were in place. The Israeli authorities, however, imposed arbitrary restrictions on their installation and introduced the prerequisite of a prior permit. These permits, however, are rarely approved and granted, in addition to which a charge of $500 is levied on each tank.

"Including flood water, the water plundered from the Occupied Golan by the Israeli authorities can be estimated at 400-500 million cubic metres, in addition to which Syrian Arabs are widely denied their right of access to their own water resources.

"IV. Taxes

"The Israeli occupation authorities deliberately impose an entire string of exorbitant taxes on the Syrian Arab citizens in the occupied Arab Occupied Golan, who do not earn high enough incomes to be able to afford them. Among the taxes imposed on them are:

"1. Income tax;

"2. Sick fund tax (Kupat Holim);

"3. Value added tax;

"4. Hospital and health centre tax;

"5. National insurance tax;

"6. Local council tax;

"7. Property tax;

"8. Radio and television tax.

"There are scores of different types of tax, some of which are double those paid by Israelis, one example being the domestic television tax, which is $120 annually.

"Together with the continued imposition of excessive building taxes, the restrictions which the occupation authorities place on further building in the villages have led to unnaturally high building prices which citizens cannot afford. Collected in the form of a property tax, the tax on houses is over $30 per square metre of floor surface.

"The tax on agricultural crops is more than 50 per cent of the value of the crop (in the case of apples).

"V. Economic drain on land and inhabitants

"The economic situation is deteriorating as a result of the pressure exerted on inhabitants in the field of agriculture; hundreds of Syrian Arab citizens in the

occupied Syrian Occupied Golan have abandoned agricultural work due to land loss, water shortage, their inability to compete on the domestic market against crops produced by settlers with backing from the Israeli occupation authorities and the introduction of barriers to the purchase of their agricultural needs or the export of their produce. The Israeli occupation authorities also impound livestock and restrict grazing land to the areas surrounding the villages of the occupied Syrian Occupied Golan. Furthermore, the tax which they impose on animals leads the Syrian inhabitants of the occupied Syrian Occupied Golan to sell their livestock, which is also their livelihood, while animals are also sometimes impounded on extremely flimsy motives.

"Syrian citizens are also denied work; jobs in public institutions have always been intentionally confined to settlers, in addition to which the Israeli occupation authorities use security considerations and the fact that most Syrian Arab citizens are unfamiliar with the Hebrew language as a pretext for not recruiting them. The number of recruits is therefore very limited and confined exclusively to a few Arab school teachers. Moreover, the Israeli public security offices constantly withdraw work permits from Syrian Arab citizens who refuse to cooperate with the Israeli occupation authorities.

"VI. Workers' conditions

"The situation of labour and workers in the occupied Occupied Golan constitutes part of the overall situation of Syrian Arab citizens under the Israeli occupation and the accompanying policy aimed at seizing control of the land and its stalwart inhabitants, who reject that occupation and the policy which it entails.

"For Syrian Arab workers in the occupied Occupied Golan, the field of work is restricted to the so-called black labour involving jobs which require strenuous effort or which Israelis refuse to do, such as cleaning, construction work and various jobs in the services sector. Workers employed by Israelis have no job security and are liable to be dismissed with no right of grievance and without compensation. Moreover, many fail to receive their wages, despite repeated requests for payment.

"The wages paid to Syrian Arab workers differ from those paid to Israeli workers, being less than half the amount which the latter receive for performing the same job.

"Syrian Arab workers are generally employed in construction work, having been unable to continue working in Israeli factories, as the factory owners do not permit them to take leave on the national occasions celebrated by Syrian citizens in the Occupied Golan. When they do take leave in order to participate in such occasions, they are dismissed, as, for instance, in the case of Syrian workers from the Occupied Golan who were employed at the Ghibor cloth and sock factory in Kiryat Shimona (Al-Khalisa) on the Hawla plain. Arab workers who take part in solidarity action in connection with any national event in the Arab homeland, such as protests against the Israeli attacks and ensuing massacres in southern Lebanon, are similarly dismissed.

"1. Employment restrictions and lack of employment opportunities in the occupied Syrian Arab Golan

"The occupation authorities maintain a check on the Arab citizens in the Occupied Golan, particularly young persons, by stifling the opportunities available to them and placing obstacles in their path. They are therefore pushed into emigrating, as a result of which the area is drained of its youth element.

"The occupation authorities also exert pressure on the Syrian Arabs in the Occupied Golan; jobs in certain occupations, for example, are conditional on the acceptance of Israeli nationality by those who wish to take up such occupations.

"The wages of these new incoming workers are untaxed, contrary to the wages of Arab workers, from which numerous taxes are deducted.

"2. Wage deprivation, unfair treatment and compensation for workers in the occupied Syrian Arab Golan

"This situation continues under a consistent policy whereby Israeli employers delay the payment of workers' wages and fail to honour the agreed wage payment dates and amounts. Accordingly, they pay

workers only a partial amount of their wages or resort to fraud and trickery by giving them uncovered cheques. One form of unfair treatment suffered by workers is where companies or contractors declare fraudulent bankruptcy in order to avoid the payment of wages and ensure that workers are unable to secure their rights. There are no institutions to protect the rights of Arab workers, who are not permitted to lodge any grievances.

"Workers who are denied compensation by an employer may seek redress through the courts, a lengthy and costly process with an outcome which is not usually in the workers' favour. Most workers do not therefore seek such redress, as it is virtually a foregone conclusion they will lose their case.

"3. Arbitrary dismissal of Arab workers in the occupied Syrian Arab Occupied Golan

"Arbitrary dismissal is an established feature of the Israeli policy. Workers are consequently under constant threat of dismissal, the attempted aim of which is to control workers and, by extension, all citizens. Arab workers may be dismissed at any time without rights or compensation, as in the case of some 40 Syrian workers in the Occupied Golan who were working in a cotton textile mill in Al-Khalisa (Kiryat Shimona). In the summer of 1998, they were sacked without compensation when the factory was closed down and relocated elsewhere.

"4. Continuing racial discrimination between Arab and Israeli workers

"Syrian workers are denied social insurance, as well as health and sickness leave, which is calculated without pay.

"Another policy is to employ Arab children in the same jobs as adults and pay them only half the wage, a policy which is also applied to women and young girls.

"Dismissal is now the lot of Arab workers (including Syrian workers from the Occupied Golan), as they are replaced by such expatriate workers on the pretext of what the Israeli authorities call 'fear of a terrorist workforce', a claim made in the belief that Arab workers constitute a security risk. The restrictions and bans placed on Arab workers (including Syrians) are even greater if their place of work is located inside Israeli settlements.

"VII. Policy of systematic intellectual stagnation and cultural and historical distortion

"Israel continues to maintain its policy on education and culture, which is an essential part of its overall policy towards the Arabs, particularly those under the yoke of its occupation, with a view to the negation and domination of others.

"The main outlines of the Israeli educational and cultural policy vis-à-vis students in the occupied Golan centre on a number of issues, in particular:

"(a) The creation of national, social, religious and other splits and divisions;

"(b) The achievement of systematic intellectual stagnation with the aim of ensuring that students receive a poor, superficial and shallow education that bears no relation to their history, heritage, culture, homeland or nation;

"(c) The depiction of Jews in the best possible light as opposed to the debasement of Arabs and their culture.

"In accordance with this policy adopted by Israel, the status of education in the occupied Syrian Occupied Golan is as follows:

"1. School curriculum

"The first action which Israel took after occupying the Occupied Golan in 1967 was to abolish the entire Syrian Arab school curriculum in the village schools in the Occupied Golan and replace it with the same Israeli curriculum used for Syrian Arab pupils (1948). This change in the teaching curriculum was an indication of Israel's intention to annex the Occupied Golan and detach Syrian citizens from both their Syrian motherland and their Arab nation. Examples include measures taken to:

"(a) Strengthen the Hebrew language at the expense of the Arabic language by imposing it as a core subject and using it to teach scientific subjects, such as mathematics and physics;

"(b) Place the focus in the subject of the Hebrew language on Israeli history, poetry and literature, Hebrew mythology, the Zionist movement and Israel itself, with the aim of aggrandizing the Jews in pupils' minds and justifying Israel's aggressive and expansionist policy, as well as glorifying and championing aggression and the occupation of Arab territories by force;

"(c) Reduce the number of Arabic language hours to fewer than the number of Hebrew language hours;

"(d) Ensure that the subject of Arabic literature contains no Arab nationalist or patriotic material and is confined to descriptive and formal pieces, that it focuses on periods of literary weakness and on love poetry and poetry about inter-tribal fighting, reprisal and revenge, that it spreads myths and superstitions, and that it omits the celebrated authors of classical and contemporary Arab literature, all with a view to presenting a warped picture of the subject;

"(e) Distort Arab history and expunge all the resplendent stages of Arab civilization;

"(f) Weaken the sense of Arab national belonging among the inhabitants of the occupied Syrian Occupied Golan by attempting to create a 'Druze nationalism' aside from Arab nationalism and strengthen religious sectarian pride in order to split the nation asunder and drive a sectarian wedge into it, particularly in Syria and Lebanon, as well as cite spurious and offensive tales about Islam;

"(g) Distort the historical and geographical facts about the occupied Syrian Occupied Golan by changing its regional names to Hebrew names in order to fix a misconception in the minds of today's generation, namely, that the Occupied Golan is part of Israel.

"2. Teaching staff

"The occupation authorities placed teaching staff in the schools of the Occupied Golan who would further their purposes and follow their guidelines, to which end Israeli teachers are given placements, as are unqualified teachers; together, these amount to 70 per cent of staff numbers. Very few appointments are given to qualified Arab teachers, whose applications are rejected, as in the case of Fawzi Abu Salih and his wife Ibtisam Nasr, both of whom are teachers.

"Members of the teaching staff are employed on annual contracts which expire at the end of each academic year. They are therefore at the mercy of the occupation authorities concerning the renewal of their contracts. They are also threatened with dismissal if they take part in national occasions and events.

"3. Schools

"In the five remaining villages in the occupied Syrian Occupied Golan, there are 12 schools: 6 preparatory schools and 6 secondary schools. There is also a branch of the intermediate preparatory institute in Masada.

"Not only do these schools suffer from overcrowding, but they are also unfit for teaching purposes and have poor sanitary conditions. Moreover, the school services provided by the occupation authorities are negligible, despite the high fees which pupils pay. It is a matter of intention that no specific body has been assigned official responsibility for spending on preparatory and secondary schools. Development opportunities are consequently lost and inhabitants are thus forced to make voluntary donations for the repair of mendable damage.

"4. University education

"After the Syrian Arab Republic had opened enrolment in Syrian universities to students from the Occupied Golan, the occupation authorities hampered their travel by, *inter alia*, stepping up measures to hinder their passage at the crossing points, threatening to place them on the security file, interrogating many of their number and threatening to cut short their studies if they engage in any national activity. Students are also subjected to degrading treatment at the Israeli inspection points when travelling to and from the Occupied Golan during the summer holidays, recognition of their university certificates is hampered, the equalization of such certificates is delayed and students are overcharged.

"5. Cultural status

"Various constraints also persist in the cultural field; the occupation authorities prohibit the publication of magazines and newspapers in the Occupied Golan and impose heavy censorship on useful works covering national or political subject matter. They also ban Israel's Arab press from the Occupied Golan, with offenders subject to punishment.

"VIII. Health status of Arab citizens in the villages of the Occupied Golan

"The Arabs in the occupied area of the Occupied Golan endure grim conditions owing to the Israeli disinterest in their health status and the creation of obstacles to local initiatives intended to improve that status. Pressure is exerted in this field with the aim of prompting Arabs to enter into dealings with Israeli institutions and establishing a fait accompli by means of the annexation process.

"The characteristic features of the health status and the problems entailed can be summarized in the following points:

"1. The lack of the different types of primary care;

"2. The shortage of specialist doctors, the efforts made to hinder the work of Syrian doctors in the occupied Occupied Golan and the restrictions placed on opening clinics, which are also constantly being closed down;

"3. The need to establish a laboratory for purposes of medical analysis;

"4. The lack of a hospital in the Occupied Golan, as a result of which citizens are obliged to travel to Nasira, Safad or Jerusalem for the simplest operation, thus prompting them to establish their own health complex in Majdal Shams, with branches in the remaining villages;

"5. The lack of an acceptable and effective health system;

"6. The lack of an X-ray centre.

"IX. Destruction of the environment and defacement of the natural landscape

"The Israeli occupation authorities, in particular their military forces, continued to pursue various activities which destroyed the environment in the occupied area of the Occupied Golan and defaced its natural landscape. As part of these activities:

"1. Military training and manoeuvres were carried out, as a result of which vegetation was set alight, fire broke out and the land turned into piles of ash;

"2. Roads were built for military purposes without any exercise of monitoring or care, resulting in damage to natural areas and destruction of the surface structure in various locations due to the failure to comply with the stipulated conditions for road-building;

"3. Chemical industries discarded toxic waste, part of which is believed to have been scattered and buried in deep holes and caverns in the Occupied Golan.

"X. Destruction of population centres and looting of property

"Immediately after the occupation of the Occupied Golan in 1967, the occupation authorities destroyed 244 population centres and drove out their inhabitants, whose numbers then amounted to 130,000 and now amount to 500,000. Only the five villages of Majdal Shams, Buqata, Ain Qunya, Masada and Al-Ghajar were spared the same destruction, whereas places of worship, houses, schools and health centres were not. The underlying aim of the occupation authorities was to erase the Arab landmarks and identity from the area. Visitors to the Occupied Golan today are unable to identify the sites of the Arab villages, apart from a few traces; several of the sites have been either turned into farming land and projects or are surrounded by trees that conceal their features. The occupation authorities used the stones from the houses to build military sites and fortifications, the houses having first been deliberately destroyed by Israeli troops. These houses were estimated to be worth about $1 billion on the basis of the prices which

prevailed during the year of occupation. Additional losses were also incurred with the destruction of the town of Quneitra and the looting of property (crops, animals, project materials, furniture, equipment, machinery and so on). Israel looted goods from shops in Quneitra and the villages in the Occupied Golan, for example, and seized herds of cattle, sheep, goats and so on (there were about 500,000 head of livestock in the area). They also seized agricultural crops estimated at hundreds of thousands of tons.

"XI. Excavation and looting of antiquities

"The Occupied Golan is regarded as one of the richest areas in antiquities and historical artefacts from different periods, comprising as it does 210 archaeological sites, which is an average of one site for every five square kilometres.

"Having first conducted an archaeological survey of the area, Israel then excavated and looted these antiquities and attempted to falsify the historical facts with the aim of creating historical justifications for its expansionist schemes. Not content with altering the features of the land through settlement and Judaization, Israel also recently proceeded to take away all the items buried there, including antiquities which denote the significance of the area and provide a record of its abundant history. The cultural heritage of any country is an integral part of its life and an expression of its national and historical identity. For this reason, the fact that the Israeli occupation authorities steal any antiquities which are uncovered by their excavation activities in the occupied Syrian Occupied Golan is harmful not only to the Syrian Arab Republic, but also to world culture and human civilization, as well as to the reading, study and sequence of history. Moreover, it will result in the deliberate falsification of that history. It is therefore essential that the archaeological and artistic pieces stolen by the Israeli occupation authorities are returned to their historical sites in the occupied Syrian Arab Occupied Golan with a view to restoration of the world's original historical features.

"Examples of the thefts carried out by Israel and reported by inhabitants of the occupied territory include an incident which took place on 3 January 1999, when the Israeli authorities removed a sculpture of a lynx dating from the Mamluk era in the twelfth century from the site of Banit fort in the occupied Syrian Occupied Golan and took it to Israel.

"XII. Policy of repressing, blockading and detaining inhabitants

"Scores of Syrian citizens in the Occupied Golan are held in Israeli prisons and places of detention. These prisoners endure the worst inhumane conditions and the most atrocious brutal treatment and forms of repression. On 2 February 1999, the occupation authorities placed prisoners and detainees from the Occupied Golan in a number of different prisons and detention centres, which made it more difficult for their families to visit them. They also confiscated their personal possessions and instituted numerous bans on visits.

"On 12 March 1999, these prisoners and detainees asked to be placed together in the same prison in order to make it easier for their families to visit them.

"Another form of Israeli repression and intimidation is the laying of mines by the occupation authorities, particularly in the agricultural areas belonging to Syrian Arab citizens or around villages. Since the beginning of the occupation in 1967, 86 persons have been injured and very badly disfigured by exploding mines. One of these injured persons, the citizen Mufid Al-Wali, presented a paper on the subject to a conference for mine survivors, held in Amman in the Hashemite Kingdom of Jordan on 14 July 1998.

"The Israeli occupation forces also impose compulsory residence on citizens and oblige them to report to the Israeli police on a daily basis.

"As a further part of the policy of repression, during 1998, the occupation authorities required all students, brides and other individuals going to the Syrian motherland to have a transit card, which is only given to persons going from one country to another. Syrian citizens in the occupied Occupied Golan refused to accept the card on the grounds that they are Syrian citizens whose journeys to Damascus simply mean that they are travelling about inside their own country.

"XIII. Resistance to occupation

"During the past year, our people in the occupied Syrian Occupied Golan have been involved in violent confrontations and clashes with the occupation forces. They have also carried out mass demonstrations and rallies and celebrated national and patriotic occasions, all of which manifested their Arab character, their devotion to liberation and their determination to achieve it.

"As an expression of defiance of the occupation and in affirmation of the link with the Syrian motherland, marriages continue to be held between Syrian citizens on either side of the barbed wire fence. On 3 September 1998, five Syrian brides were joined in matrimony in this way with their grooms in the occupied Syrian Occupied Golan.

"Another manifestation of resistance to the occupation is where Syrian citizens who were inveigled into having Israeli nationality imposed on them began demanding to retain the nationality of their motherland. On 4 November 1998, at the time of discussions of the bill proposed in the Knesset by the deputy Salih Tarif to permit relinquishment of Israeli nationality, Israel Radio reported a statement made by the citizen Jamal Muhammad Al-Safdi from Masada that 'inhabitants who acquire Israeli nationality are treated with contempt by their fellow inhabitants; they are ostracized, they are seen as worthless and they are snubbed by society'.

"XIV. Conclusion

"This account exposes the established and ongoing pattern of Israeli policies and practices which are pursued by the Israeli Government in connection with the land and inhabitants of the occupied Syrian Occupied Golan and which have escalated over the past year. It also exposes the intention to perpetuate the occupation, expand settlement, expropriate land and water, weaken the entire infrastructure in the occupied Syrian Arab Occupied Golan and repress and persecute its inhabitants, which emphasized the fact reiterated by the Special Committee in its reports over the last three decades that the occupation per se is a violation of human rights.

"Moreover, the continuation of Israeli policies and practices is completely incongruous with the efforts to establish a just and comprehensive peace in the Middle East in accordance with the precepts that served as a catalyst for the peace process started at the Middle East peace conference in Madrid and for the principle of land for peace.

"It is crucial, particularly during the present critical stage, that the Special Committee should pursue its work until the occupation is fully eliminated."

249. As regards the written communication submitted by the Governor of Quneitra Province, Mr. Walid al-Buz, the Special Committee's attention was drawn in particular to the following passages:

"The Israeli occupation authorities are continuing their inhuman practices against the Syrian Arab population of the five villages of the occupied Occupied Golan (Majdal Shams, Buqata, Masada, Ain Qunya and Al-Ghajar) who have been living under the yoke of Israeli occupation in the Syrian Arab Occupied Golan since 5 June 1967.

"Since the first days of the occupation, the Israeli occupation authorities have been deliberately destroying symbols of life and development in the occupied Syrian Arab Occupied Golan. They have destroyed 244 towns, villages and farms after displacing their Syrian population, who currently number about half a million persons grouped together in temporary accommodation in four Syrian governorates and waiting to return to their homes and lands which have been occupied by Israeli settlers from various parts of the world who are enjoying the crops and fruits of these fertile agricultural lands.

"Israeli settlements have been established on the ruins of some of these formerly populated localities, the rest of which can be identified only from the maps of the Syrian Arab Occupied Golan which still exist and which show the former distribution of human habitation and development.

"1. The policy of systematic repression and State terrorism against the Syrian Arab population

"The Syrian citizens struggling under the yoke of Israeli occupation in the occupied Syrian Occupied Golan are being subjected to constant violations of their human rights in all fields, including:

"(a) Arbitrary detention

"On 2 February 1999, the Israeli occupation authorities distributed the Syrian Arab detainees among a number of prisons in Israel with a view to isolating them from each other, thereby causing real suffering to the families wishing to visit them.

"On 17 April 1999, during the celebration of Syrian National Day by the population of the five villages, Israeli military and security forces fired rubber bullets and tear gas grenades at them with a view to dispersing their gatherings and preventing them from celebrating. Four citizens were wounded, some seriously, as a result.

"On 21 April 1999, the Syrian Arab population of the occupied Occupied Golan held a sit-in in front of the office of the International Committee of the Red Cross in the town of Majdal Shams in protest at the Israeli inhuman practices against their fellow citizens serving sentences in Israeli prisons and detention centres, particularly the following persons who had been detained since 1985:

Bishr Suleiman al-Maqt
Hayil Hussein Abu Zeid
Sidqi Suleiman al-Maqt
Sitan Nimr al-Wali
Asim Mahmoud al-Wali
Amal Hamad Uweidat
Hassan Seif ed-Din al-Wali
Yasser Hussein Youssuf Khanjar
Imad Sami al-Mar'ei
Ridhwan Jamil al-Jawhari

"(b) Imposition of restricted residence

"The Israeli occupation authorities impose this measure from time to time in order to force some citizens to report daily to police stations in the five villages. The authorities have also recently prohibited a large number of them from travelling to the Hashemite Kingdom of Jordan and other foreign States in order to prevent them from meeting their families and relatives in Syria.

"(c) Mines have been laid at random around those villages, as a result of which 86 persons have been severely mutilated since the beginning of the occupation in 1967

"(d) The occupation authorities are still imposing Israeli nationality on the Syrian Arab population by force and various other methods

"2. The policy of settlement expansion

"The Israeli occupation authorities are still sending more Jewish settlers to the occupied area of the Occupied Golan, where the number of settlements has increased from 32 to 40 and the number of housing units has increased by 250 per cent under the so-called 'Occupied Golan development plan' which was drawn up by a committee consisting of representatives of the Ministries of Housing, the Interior, Infrastructure, Health, and the Environment, the Zionist Organization and the Occupied Golan Settlement Council. The declared aim of this plan is to double the number of Jewish settlers in the Occupied Golan to about 36,000 over the next 10 years, during which the existing settlements are to absorb about 4,500 new families.

"3. The economic situation and labour problems

"The Israeli occupation authorities are continuing their policy of restricting the livelihood of the Syrian Arab inhabitants of the villages in the occupied Occupied Golan with a view to forcing them to emigrate, thereby divesting the territory of its Arab population. To this end, the authorities are continuing to expropriate agricultural land and are reducing the areas under cultivation and pasturage by laying new minefields, expanding those that already exist, constructing camps on agricultural land and reserving large areas for military manoeuvres. The most recent such measure was implemented at the end of February 1999 when the occupation authorities expropriated a large area of agricultural land belonging to the village of Buqata in the al-Khasha area for the benefit of new settlers who uprooted its apple trees prior to taking possession of the land. However, on 27 February 1999, the Arab population of the five villages assembled at that location, formed a human shield with their bodies and replanted the trees.

"Arab citizens are also required to pay a fee of US$ 1,500 per dunum by way of subscription to the irrigation network even though the water sources, originally owned by them, were expropriated by the occupation authorities who subsequently charged exorbitant fees amounting to US$ 1 per cubic metre of irrigation water. The costs of fertilizer and

pesticides have also risen. All these factors constitute economic obstacles that are keeping the Syrian Arab population in a state of poverty and preventing them from developing their means of livelihood.

"Labour problems

"The policy of the Israeli occupation authorities in this field, as described in previous reports, has not changed. The same applies to the problems encountered in the fields of education, health and culture. In fact, the Israeli occupation authorities are continuing their policy of obliterating Arab national identity by various ways and means with a view to isolating those Syrian citizens both mentally and educationally from their Syrian motherland and their Arab nation."

B. Jordan

250. During its visit to Amman, the Special Committee on 24 May 1999 received a report from the Department of Palestinian Affairs of the Ministry of Foreign Affairs of Jordan. The Special Committee's attention was drawn in particular to the following passages of the report:

"Introduction

"Israel's policies and actions in the West Bank, including Arab Jerusalem, and the Gaza Strip which Israel has been occupying since the June 1967 war constitute ongoing violations of numerous international instruments and resolutions exemplified by the United Nations resolutions relating to the Arab Israeli conflict and particularly General Assembly resolution 181 (1963), which formed the legal basis for the establishment of the State of Israel, the Fourth Geneva Convention of 1949 which lays down the basic principles for the protection of the persons and property of the population of occupied territories, the Universal Declaration of Human Rights and other international covenants and conventions.

"The Israeli authorities and the Jewish settlers in the West Bank and Gaza Strip are continuing their settlement operations and activities that are swallowing up more Palestinian land and destroying or depleting the remaining Palestinian water and other natural resources in defiance not only of the above-mentioned series of United Nations resolutions but also the verbal undertakings that the Government of Benyamin Netanyahu gave to the United States Administration, the main sponsor of the peace process, in the summer of 1997 and during the Wye Plantation negotiations to the effect that the Israeli Government would refrain from settlement expansion outside or at a considerable distance from existing settlements and would also refrain from construction at existing settlements to an extent that exceeded the needs created by their natural population growth.

"1. Jewish settlement activities

"Since the Likud Government headed by Benyamin Netanyahu came to power in Israel three years ago, there has been an unprecedented upsurge in Jewish settlement activities, the confiscation of land and acts of aggression against the land and people of the occupied Palestinian territories to such an extent that these acts of aggression have become a daily occurrence and the expression 'struggle for land' has taken on a literal meaning. The Israeli Government and the Jewish settler organizations have adopted a clear agenda aimed at imposing a demographic and geographic fait accompli in their favour with a view to forestalling any negotiations that might necessitate partial or full withdrawals.

"In actual fact, the period following the signature of the Wye River memorandum and the implementation of the first part of the second phase of Israeli withdrawal from the northern West Bank witnessed the most violent and blatant settlement activities and seizures of land when the Israeli Government invited the Jewish settlers to submit the redeployment maps that they deemed most appropriate.

"A geographical review of the settlement activities clearly shows that all Palestinian land in the northern, central and southern West Bank has been a focal point of settlement concern. In the northern region, settlement activities focused on the areas around Nablus, Jenin, Tulkarm and Qalqiliya, and particularly the settlements near the 'Green Line' and the settlement town of Ariel. In the central part of the West Bank, the area around Bethlehem, and particularly the Gush Etzion settlement bloc and the settlements around the towns of Ramallah and Bira, were the scene of intensified efforts to expand settlement and bring in new Jewish settlers. At Hebron, the settlement activities and the daily

confrontations to which they gave rise were likewise extremely intense.

"With regard to settlement at Jerusalem, the Netanyahu Government embarked on a Jewish settlement expansion programme around the City and constructed thousands of new housing units therein. The question of settlement at Jerusalem constitutes one of the few issues on which there is virtually unanimous agreement throughout the political spectrum of Israeli society since Israelis are afraid that the demographic scales at Jerusalem might be tipped against them in spite of the unceasing endeavours that have been made since 1967 to Judaize the City's Arab population and replace them with Jewish settlers.

"2. Number of settlements and settlers

"Following the signature of the Wye River agreement in October 1998, the settlers responded rapidly to Minister Ariel Sharon's calls for the occupation of the western hills in the West Bank and their transformation into new settlement nuclei. This was the so-called 'war of the hills', which transformed the occupied territories into a modern version of the American West where, according to the Israeli Peace Now movement, any settler could install a mobile home wherever he wished.

"According to other statistics compiled by the movement, this 'war' resulted in the inauguration of more than 18 new settlement sites out of a total of 31 that were inaugurated during Netanyahu's three-year rule.

"According to the Israeli Central Bureau of Statistics, the number of settlement housing starts increased by 105 per cent in 1998 when the construction of 3,900 new housing units began in the settlements, as compared with about 1,900 in 1997 and 1,680 in 1996 (*Al-Quds*, 15 April 1999). The research carried out by the Peace Now movement indicates that about 6,508 dwellings are currently under construction at the settlements at the West Bank, in addition to 152 dwellings at the settlements in the Gaza Strip. The Bureau of Statistics estimated that about 172,000 settlers were living in the West Bank and Gaza Strip by the end of 1998, as compared with 142,000 under the previous Labour Government.

"3. Confiscation of land

"Last year witnessed a continuation of the large-scale confiscations of land in the West Bank and Gaza Strip in preparation for further settlement activity consisting in the establishment of new settlements or the expansion of existing ones. There was noteworthy collusion between the official Israeli endeavours and the acts of aggression or attempted aggression by Jewish settlers during this period. These acts of aggression aimed at the seizure and confiscation of land took various forms, including:

"(a) Structural plans;

"(b) Bypass roads;

"(c) Issue of military orders sealing off and confiscating land;

"(d) Forcible seizures by the army or Jewish settlers;

"(e) Intimidation or terrorization of Palestinian landowners by expelling them from their land and attempting to turn it into wasteland by burning crops, uprooting trees or spraying them with insecticide.

"4. Uprooting of trees, demolition of houses and real estate and construction of bypass roads

"With a view to the implementation of their settlement projects in the Palestinian territories, the Israeli authorities and the settlers uprooted 61,000 trees and demolished about 694 houses during the period from the Oslo Agreement in 1993 to November 1998 (*Al-Quds*, 10 January 1999).

"Many of these trees and houses were uprooted or demolished in furtherance of settlement activities, for example, when they were situated at locations that were being bulldozed for the expansion of existing settlements, the establishment of new settlement nuclei or the construction of bypass roads for the benefit of those settlements.

"The Ministry of Infrastructure headed by Sharon made unprecedented improvements in the field of public services for the settlements, on which it spent a quarter of a billion shekels in addition to a further 100 million shekels to connect all the settlements to the water and electricity networks in Israel. Responsibility for the roads leading to the settlements in the West Bank, which had previously been shared and neglected, was assigned to the Public Works Department which, as a result, is renovating and improving numerous roads and has made plans for the construction of 12 new roads, five of which are currently under construction.

"5. Suffocation of the Palestinian economy

"Israel continued to make every effort to suffocate the Palestinian economy. In addition to direct acts, such as cutting down trees and burning and destroying Palestinian agricultural crops, it intensified the policy of partial or full closure of the Palestinian territories.

"According to the Palestinian Minister of Labour, the Palestinian economy suffers a loss of about US$ 8 million per day, solely as a result of the lost wages of about 80,000 Palestinians from the West Bank and Gaza Strip working in Israel, whenever the Israeli authorities close those areas. He added that, whenever there are closures, the rate of unemployment in the West Bank and Gaza Strip steadily increases, depending on the duration of the closure, and sometimes reaches 60 per cent (*Al-Quds*, 18 May 1999).

"The far-reaching effects of this policy of closure become evident when we consider the fact that, in 1998, Israel closed the West Bank and Gaza Strip fully for 24 days and partially for 28 days.

"The draconian system of permits that Israel imposes on the movements of Palestinian citizens and their vehicles should also be noted in this context. The World Bank estimates the negative effects of this system on the overall growth of the Palestinian GDP at 3-4 per cent, as compared with 1.2 per cent in 1997 (*Al-Quds*, 14 May 1999).

"6. Detentions and torture

"It is well known that, after the Wye agreement, the Israeli Government resorted to prevarication in regard to implementation of the provisions of the agreement concerning prisoners. It released only imprisoned and detained common criminals and convicts who had already served almost the entire term of their sentences. The resulting frustration felt by the Palestinian security detainees prompted them to declare a hunger strike from 5 to 15 December 1998.

"In addition to the disappointment felt at the failure to secure the early release of these detainees, this issue was aggravated by Israel's aberrant practices against detainees and even against their families. In fact, Israel has never abandoned its practice of torture against Palestinian detainees (report of the Law Society, *Al-Ayyam*, 18 September 1998) and this practice has been condoned on a number of occasions by the Supreme Court, the highest Israeli judicial authority. Some of these detainees have been placed in solitary confinement as a punitive measure, incarcerated in detention centres with Jewish criminal convicts or denied family visits.

"7. Judaization of Jerusalem and acts of aggression therein

"The Israeli authorities are continuing their policy of Judaizing the City of Jerusalem and driving out its Arab population by withdrawing their identity cards and persisting in the practice of demolishing houses (which escalated during the peace process), closing Arab institutions and intensifying military measures in the City and, in particular, within the Haram al-Sharif.

"It is evident to any observer of the measures taken by Israel in Jerusalem during the second half of 1998 that they followed a carefully studied and integrated plan designed to increase the Jewish presence in Arab Jerusalem and expel its Arab population by various means in order to ensure that the present and future Jewish population of the City amounts to not less than 70 per cent of the total number of its inhabitants.

"The following measures taken by the Israeli authorities with a view to achieving the aim of Judaizing Jerusalem should be noted:

"(a) Demolition of houses

"According to a Palestinian source, Israel demolished 250 houses during the period 1990-1998 (25, 27, 27, 31, 15, 6, 18, 34 and 32 respectively in each of those years). Since the Wye agreement, 9 houses had been demolished and 500 new demolition orders in respect of houses at Jerusalem had been issued since 1 January 1999 (*Al-Ra'y*, 5 April 1999). According to the Israeli human rights centre *B'Tselem*, 10 houses had been demolished at Jerusalem since the beginning of 1999 (*Al-Quds*, 12 May 1999). According to an Israeli legal source, the owners of houses threatened with demolition are also required to pay a fine of 120,000 shekels to the occupation authorities and they consider themselves lucky if they are permitted to pay these fines in monthly instalments ranging from 300 to 2,000 shekels, bearing in mind the fact that the average income of a Jerusalem family, in cases in which a permanent income exists, amounts to 1,500-2,000 shekels (*Al-Ra'y*, 1 March 1999).

"(b) **Withdrawal of identity cards**

"The policy of the gradual expulsion of Palestinians from East Jerusalem is continuing and the Israeli authorities are quietly implementing their plans to drive more Arab citizens from the City without attracting media attention to this issue. Two groups of Israeli jurists accused the Israeli Prime Minister Benyamin Netanyahu of breaking his promises and of studying plans that proposed measures to expel hundreds of Palestinian residents from Arab East Jerusalem. They also accused the Ministry of the Interior of continuing a policy, introduced in 1995, to cancel the permanent residence permits of Palestinians who had resided outside East Jerusalem for a certain time but had subsequently returned thereto.

"In this connection, Mr. Adnan al-Husseini, Director of *Awqaf* at Jerusalem, said that the purpose of the withdrawal of the identity cards of Jerusalem residents was to reduce the Palestinian population of Jerusalem, currently amounting to 210,000, about 50 per cent of whom were living outside the boundaries of Arab Jerusalem and, consequently, were threatened with the loss of their status as residents of the City, in addition to the other restrictions that the Israeli Municipality of Jerusalem imposed on all aspects of daily life. Another category threatened with the withdrawal of their identity cards consists in persons who return to renew their visitor's permits. The primary targets in this category are children, whom the Ministry refuses to include on the identity cards of their parents. There have been 20 cases of young persons over 16 years of age whose applications for identity cards were rejected by the Israeli authorities on the pretext that they had been living outside Jerusalem.

"(c) **Closure of Arab institutions**

"Within this context, i.e. the Judaization of Jerusalem, the Israeli authorities are imposing restrictions on the freedom of Palestinian institutions to operate in Arab Jerusalem. Some of them, such as the Prisoners' Club, have already been closed and the closure of some offices in Orient House has been halted only temporarily by the Israeli Supreme Court.

"(d) **Closure and blockade of the territories**

"In the same context, the Israeli authorities are attempting to strangle the City economically by imposing blockades, by preventing residents of the West Bank and Gaza Strip from entering the City and by launching tax campaigns. According to tradesmen in Jerusalem, recent months had witnessed a considerable escalation in these campaigns and the increasingly violent measures used to collect taxes included beatings and seizures of goods and money. A Palestinian source at Jerusalem described the manner in which the Israeli tax officials, police and special units treated Jerusalem tradesmen as being very similar to the methods employed by the Mafia gangs.

"We can imagine the extent to which the City's economic sector is suffering if we consider the fact that, during the last two years, the taxes that Israel levied on the City's tradesmen exceeded US$ 250 million.

"(e) **Seizure of Arab houses**

"Within the same context, note should also be taken of the repeated, and often successful, attempts by extremist Jewish religious movements to seize Arab-owned houses and real estate in Jerusalem, often on the basis of forged contracts of sale or extraordinary pretexts such as the decision handed down by an Israeli conciliation court ordering a Palestinian to vacate a house situated in the Sheikh Jarrah area of Jerusalem on the ground that the land on which the house was built had belonged to Jews 299 years ago (*Al-Quds*, 31 March 1999)."

VII. Concluding observations and recommendations

251. The Special Committee takes cognizance of the position stated in the sixth preambular paragraph of General Assembly resolution 53/53, and in earlier resolutions of the Assembly that occupation itself represents a primary violation of human rights.

252. The Special Committee believes that the observations made, in November 1998 in paragraphs 176-182 of its report (A/53/661) are observations that continue to be valid and which it now reaffirms once more, in paragraphs 253-265 below, based on and reinforced by additional information obtained by the Special Committee during its recent visit to the region.

253. The Israeli authorities have put in place a comprehensive and elaborate system of laws and regulations and administrative measures that affect all aspects of the

lives of the Palestinian and Syrian peoples in the occupied territories. The laws and regulations are so framed that they vest in officials a considerable degree of authority and latitude over the lives of the people of the occupied territories.

254. These laws and regulations are designed to meet the policy objectives of the Israeli Government and to enhance the exercise of its control over the occupied territories and their population.

255. There exists an all-encompassing sense of great tension in the occupied territories, in particular during periods of crisis, and the rigorous implementation of laws and regulations and administrative measures creates a sense of fear and despondency among the inhabitants of the territories.

256. Moreover, during periods of violence, such exercise of control makes the lives of the Palestinian and Syrian peoples in the occupied territories even more unbearable.

257. Bitterness at their treatment by the authorities and the sense of dispossession, hopelessness and despair of the people of the occupied territories caused to a large extent, it seems to the Special Committee, by lack of progress in the peace process and a lack of tangible benefits for the people of the occupied territories, make the situation in those territories one of the greatest urgency.

258. The Special Committee thus welcomes the recent resumption of dialogue in the peace process.

259. While the Special Committee was unable to visit the occupied territories, it was very pleased to receive before it a number of Israeli nationals, working in the field of human rights, who appeared before the Committee to speak about their own work with Palestinians. These instances have been referred to in the report.

260. The Special Committee noted in particular references made to what seems to be some occasions on which there were meetings between Palestinians and Israelis of the younger generation, showing what appears to be an increasing willingness to meet and communicate with one another.

261. However, the depressing contrast remains in the apparent absence amongst the government authorities of Israel of a sensitivity to circumstances in the occupied territories, which are not in accord with internationally accepted standards of human rights and humanitarian values.

262. As regards the general conditions of the Palestinians, the sense of alienation, exclusion and separation from their homeland experienced by them remains a matter of deep anxiety and concern.

263. The Special Committee reaffirms the recommendations made in its reports in past years and in particular the recommendations set out in chapter VI of its 1997 report (A/52/131/Add.2) that were reproduced in paragraph 1 of the annex to the 1998 report of the Special Committee (A/53/661).

264. The Special Committee also reaffirms the observations and recommendations made in the concluding paragraphs of its 1998 report. These recommendations are set out below:

> "184. The Special Committee also recommends that the United Nations High Commissioner for Human Rights, in communication with the Secretary-General, take such measures as are appropriate to engage in consultation with the appropriate Israeli authorities with respect to the following:
>
> "(a) Permitting long-separated families in the occupied Palestinian territories and in the Syrian Golan to meet freely and often;
>
> "(b) The entire process of detention, including reasons for detention, renewal of periods of detention and treatment of detainees;
>
> "(c) The use of physical force and torture during interrogations, detention and imprisonment;
>
> "(d) The effect of the occupation, including settlements, closures and restriction on movement, on the children of the occupied territories;
>
> "(e) Facilitating access to educational centres;
>
> "(f) Ameliorating the conditions under which Palestinians in Gaza travel from Gaza into Israel through the Erez border crossing.
>
> "185. The Special Committee considers it especially important that the United Nations High Commissioner for Human Rights, in consultation with the Secretary-General, establish a system of continuous communication with the Israeli authorities with a view to improving the very difficult circumstances in which the Palestinian and Syrian peoples of the occupied territories currently live."

265. The Special Committee also believes that it is important for the Committee to have access to the occupied territories in order to witness for itself the actual situation obtaining there with respect to the issue of human rights as well as to ascertain the views of the Government of Israel pertaining to the subject.

Notes

[1] Originally, as stipulated in General Assembly resolution 2443 (XXIII), the territories to be considered occupied territories referred to the areas under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements. The areas of Egyptian territory under Israeli military occupation were further modified in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, which was signed on 26 March 1979 and came into force on 25 April 1979. On 25 April 1982, the Egyptian territory remaining under Israeli military occupation was restituted to the Government of Egypt in accordance with the provisions of the aforementioned agreement.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 75, No. 973.

[5] Ibid., No. 972.

[6] Ibid., vol. 249, No. 3511.

[7] Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907*, New York, Oxford University Press, 1915.

[8] As the Special Committee understands it, area A (approximately 3 per cent of the West Bank and Gaza with approximately 70 per cent of the population) is an area where the Palestinian Authority has civil and security jurisdiction. Area B (approximately 24 per cent of the West Bank and Gaza with approximately 20 per cent of the population of the occupied territories) is an area in which the Palestinian Authority and Israel share civil and security jurisdiction. Area C (approximately 73 per cent of the West Bank and Gaza and with the remainder of the population of the occupied territories) is an area where Israel alone has jurisdiction.

[9] A dunum is 1,000 square metres.

[10] A chapter in the United Nations survey entitled "Rule of law development in the West Bank and Gaza Strip: survey and state of the development effort" published in May 1999 by the Office of the United Nations Special Coordinator in the Occupied Territories provides insight into the background of the complex Palestinian legal framework:

> "On the West Bank, the legal tradition is one of Jordanian law and British emergency decrees, interwoven with that of the occupying Power (Israel) and its system of over 1,200 military orders as administered by the Office of the Military Governor. The autonomous areas, in contrast, presently functioning within the rubric of the Declaration of Principles, preserve the amalgam of differing coexisting legal traditions in both Jericho and the Gaza Strip, along with the extant military orders. The source of law in Jericho, similar to that of the remainder of the West Bank, is Jordanian; that of the Gaza Strip is Egyptian in orientation, borrowing heavily from the Ottoman era and English common law. In all three areas, due to the stultifying impacts of the nearly 30-year occupation, the growth of the law stopped effectively in 1967, and remains frozen on all doctrinal and philosophical fronts as of that date."

The survey adds that, from 1948 to 1967, there was a parallel development of two separate legal systems, one in the West Bank and one in the Gaza Strip, and that after the Israeli occupation in 1967 Israeli military orders changed nearly every law and legal structure.

Annex

Documents and other material before the Special Committee

1. Monthly summaries of news relative to its mandate appearing in the Israeli press (*Ha'aretz* and *The Jerusalem Post*), for February-August 1999.

2. Monthly summaries of news relative to its mandate appearing in the Arab press published in the occupied territories (*The Jerusalem Times*), for February-August 1999.

3. Records of testimony received from 34 witnesses during its field mission to Egypt, Jordan and the Syrian Arab Republic.

4. Written documents submitted to the Special Committee by:

(a) Jordan: "Report submitted by the Department of Palestinian Affairs to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories";

(b) Syrian Arab Republic:

(i) "Report of the Ministry of Foreign Affairs of the Syrian Arab Republic on Israeli practices affecting the human rights of Syrian citizens in the Occupied Syrian Arab Golan";

(ii) Ministry of Local Administration, Governorate of Quneitra: "Report of the Governorate of Quneitra on Israeli violations of human rights in the occupied Syrian Arab Golan during the first half of 1999";

(c) League of Arab States: "Report dated June 1998 on Israeli practices in the Occupied Palestinian Territories, issued by the PLO Department of National and International Relations, in cooperation with the National Committee for Consumer Protection";

(d) Other material:

(i) Department of Palestinian Affairs, Ministry for Foreign Affairs of the Hashemite Kingdom of Jordan:

a. "The Department of Palestinian Affairs: annual report 1997";

b. Atlas of Palestinian refugee camps in Jordan;

c. "Subject: ID-card confiscation in Jerusalem";

d. "Middle East and Palestinian refugees";

(ii) League of Arab States:

a. "Israeli aggressive practices against Palestinian citizens in the occupied territories";

b. "The quiet deportation continues: revocation of residency and denial of social rights of East Jerusalem residents".

5. Written documents submitted to the Special Committee by witnesses, including video material and photographs:

(a) Palestine Economic Policy Research Institute:

(i) *Social Monitor*, No. 2, January 1999;

(ii) *Economic Monitor*, No. 4, December 1998;

(b) Law: The Palestinian Society for the Protection of Human Rights and the Environment:

(i) "Palestinians dispossessed: 50 years of human rights violations; Law's annual report 1998", Jerusalem 1999;

(ii) "Settlers in the heart of Hebron";

(iii) "Palestinian labourers and the tyranny of occupation: the right to life and physical safety violated", by Fahmi Shahin;

(iv) Issues of the magazine *People's Rights*;

(v) A number of documents in Arabic;

(c) Law: The Palestinian Society for the Protection of Human Rights and the Environment/B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories: "Wadi Qelt report";

(d) Israeli Committee against House Demolitions: "House demolitions, land expropriation and related issues of the occupation in the West Bank, Gaza and East Jerusalem", by Jeff Halper, 24 May 1999;

(e) Orient House, Maps and Survey Department:

(i) "Settlement expansions in 1998";

(ii) "East Jerusalem: the current planning situation: a survey of municipal plans and planning policy";

(f) Orient House, Centre for Studies of Civil and Social Rights, Jerusalem:

(i) "The right of permanent residency status of Palestinians in Jerusalem and the risk of losing their ID cards", 1995-1996;

(ii) "April report 1997";

(iii) "Report 1998-1999";

(iv) "East Jerusalem outline: Centre for Studies of Civil and Human Rights", 26 September 1998;

(v) "Problems facing Jerusalemites and statistical analysis of cases";

(vi) "Punished twice — punished collectively: a report on the persistent Israeli denial of family reunification to wives of Jerusalem ex-political prisoners", Alternative Information Centre, February 1994;

(vii) Documents in Arabic;

(viii) Statistical data;

(g) Palestinian Agricultural Relief Committee:

(i) A copy of a land confiscation order in Hebrew;

(ii) Brochure of the Palestinian Farmers Union;

(h) *International Relations Journal*, summer 1996: "Violence, disabilities, and health care: Palestinians under 48 years of Israeli occupation", by Janet Crawford and Ziyad Amro, General Union of Disabled Palestinians;

(i) Public Committee against Torture in Israel:

(i) "A compilation of petitions, briefs and other documents submitted to the Israeli High Court of Justice" (1st ed.), edited and translated by Allegra Pacheco, May 1999;

(ii) A copy of a "chart" showing times and types of interrogation of Palestinian detainees;

(j) Addameer Prisoner's Support Association:

(i) "Violations against prisoners in the Israeli and Palestinian prisons", annual report 1998;

(ii) Documents in Arabic;

(k) Al-Haq (human rights organization): pictures of mines laid in the Golan;

(l) Hamoked, Centre for the Defence of the Individual/B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories:

(i) "The quiet deportation: revocation of residency of East Jerusalem Palestinians", April 1997 and September 1998;

(ii) "Captive corpses", researched and written by Yehezkel Lein;

(iii) "Human rights in the Occupied Territories 1998";

(m) Hisham Abd Elrazeq, Minister for Detainees' Affairs, Palestinian Authority:

(i) Document on Palestinian prisoners and imprisonment, in Arabic;

(ii) Petition for an order to show cause and temporary injunction, submitted to the Supreme Court of Israel by Hamoked, Centre for the Defence of the Individual, the Association for Civil Rights in Israel, Physicians for Human Rights, Defence for Children International — Israel and the Alternative Information Centre (Respondent: Ministry of the Interior, Israel);

(n) Democracy and Workers Rights Centre:

(i) "A report about violations", submitted to the Special Committee;

(ii) Photographs of workers and persons with injuries; documents in Arabic;

(iii) A number of documents in Arabic;

(o) Palestinian Centre for Human Rights:

(i) A number of press releases;

(ii) Closure Update No. 22;

(iii) "Report on the UN resolution that recognizes the 15th July 1999 as the deadline for the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention of 1949";

(iv) "Report on the Convening of a Meeting of Experts Organized by the Swiss Government which Violates the Spirit and Letter of the UN Resolutions";

(v) "Fourth Geneva Convention and Israeli Occupation of Palestinian Territories: Theory and Practice", Study Series 14;

(vi) A number of documents in Arabic;

(p) Palestinian Medical Relief Committee:

(i) Video cassette containing "Hebron Report, Alia Hospital, on Ibrahim Hamdan";

(ii) Photographs of Ibrahim Hamdan;

(q) Defence for Children International/Palestine Section:

(i) "Rights of Palestinian children in times of peace: a report on Israeli violations of Palestinian children's rights, 1997-1998";

(ii) "The problem of landmines and army remnants on the Palestinian level: Palestinian campaign for

banning landmines and UXOs in the Palestinian Territories";

(r) Bir Zeit University:

(i) "Making education illegal: you think the Israeli-Palestinian peace accords have made a difference? Not to Gazan students", Gaza Students Campaign information sheet;

(ii) "Academic Freedom First: Gaza Students Campaign: Facts and Figures".